

# EXHIBIT

# 1

HC06CRWR677826-JBC-nar

FILED

APR - 6 2006

FRESNO COUNTY SUPERIOR COURT

By \_\_\_\_\_ DEPUTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO

CENTRAL DIVISION

In re	)	No. 06CRWR677826	Dept. 98B
	)		
SYLVESTER STRONG, SR.,	)		
	)	ORDER	
Petitioner	)		
	)		
On Habeas Corpus.	)		
_____	)		

Having considered the petition for writ of habeas corpus dated March 26, 2006 and filed on March 30, 2006, the court finds that petitioner's assertions are inaccurate and do not justify the requested relief at this time.

Petitioner states that he was sentenced pursuant to a plea agreement to a term of 18 years, he is being unlawfully detained beyond the maximum term, and he should be released immediately. The circumstances of this case are summarized in the Opinion affirming petitioner's judgment issued by the Fifth Appellate District on November 15, 1989. (Also see prior petition 03CRWR676847 and the order issued on October 14, 2003.) Contrary to what petitioner claims, he was sentenced to a term of 15 years to life plus three years for second-degree murder and assault with

1 a deadly weapon. As a "life prisoner," his initial parole hearing  
2 was scheduled for September 24, 2001. The Board of Prison Terms  
3 subsequently informed this court of parole hearings set in 2002,  
4 2003, and 2004. Petitioner has provided no information (such as  
5 transcripts and supporting reports) concerning his parole hearings  
6 or the reasons parole has repeatedly been denied.

7 For the reasons stated above, further consideration of  
8 this matter is not warranted. The petition is denied.

9 DATED this 6<sup>th</sup> day of APRIL 2006.

10  
11 Jonathan B. Conklin

12 JONATHAN B. CONKLIN  
13 JUDGE OF THE SUPERIOR COURT  
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# **EXHIBIT**

# **2**

APR 04 1988

FILED

APR - 1 1988

By                       
FRESNO COUNTY CLERK

DEPUTY

## SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO

THE PEOPLE OF THE STATE OF  
CALIFORNIA

Vs.

SYLVESTER STRONG,

## CASE NUMBERS:

Superior Court 380750-0Arraignment Date 4-11-88Municipal Court F012661-0District Attorney 87S0589Defendant(s).INFORMATIONCOUNT ONE

The District Attorney of the County of Fresno hereby accuses SYLVESTER STRONG of committing the following crime at and in the County of Fresno, State of California:

VIOLATION OF SECTION 187 OF THE PENAL CODE, a felony. The said defendant, on or about December 10, 1987, did willfully, unlawfully, and with malice aforethought murder DIANE STRONG, a human being.

It is further alleged that in the commission of the above offense, the said defendant personally used a deadly and dangerous weapon, to wit: a knife, within the meaning of Penal Code Section 12022(b).

COUNT TWO

And the said SYLVESTER STRONG is further accused by the District Attorney of the County of Fresno by this Second Count of this Information of committing the following crime at and in the County of Fresno, State of California:

1 VIOLATION OF SECTION 245(a)(1) OF THE PENAL CODE, a felony.  
2 The said defendant, on or about December 10, 1987, did willfully  
3 and unlawfully commit an assault upon LAVELLE JONES, with a  
4 deadly weapon, to wit: a knife, and by means of force likely to  
5 produce great bodily injury.

6 It is further alleged that in the commission of the above  
7 offense, the said defendant personally used a deadly and  
8 dangerous weapon, to wit: a knife, within the meaning of Penal  
9 Code Section 12022(b).

10 COUNT THREE

11 And the said SYLVESTER STRONG is further accused by the  
12 District Attorney of the County of Fresno by this Third Count of  
13 this Information of committing the following crime at and in the  
14 County of Fresno, State of California:

15 VIOLATION OF SECTION 245(a)(1) OF THE PENAL CODE, a felony.  
16 The said defendant, on or about July 2, 1987, did willfully and  
17 unlawfully commit an assault upon DIANNE STRONG, with a deadly  
18 weapon, to wit: a knife, and by means of force likely to  
19 produce great bodily injury.

20 It is further alleged that in the commission of the above  
21 offense, the said defendant personally used a deadly and  
22 dangerous weapon, to wit: a knife, within the meaning of Penal  
23 Code Section 12022(b).

24 COUNT FOUR

25 And the said SYLVESTER STRONG is further accused by the  
26 District Attorney of the County of Fresno by this Fourth Count  
27 of this Information of committing the following crime at and in  
28 the County of Fresno, State of California:

1 VIOLATION OF SECTION 245(a)(1) OF THE PENAL CODE, a felony.  
2 The said defendant, on or about September 8, 1987, did willfully  
3 and unlawfully commit an assault upon DIANNE STRONG, with a  
4 deadly weapon, to wit: a knife, and by means of force likely to  
5 produce great bodily injury.

6 It is further alleged that in the commission of the above  
7 offense, the said defendant personally used a deadly and  
8 dangerous weapon, to wit: a knife, within the meaning of Penal  
9 Code Section 12022(b).

10 COUNT FIVE

11 And the said SYLVESTER STRONG is further accused by the  
12 District Attorney of the County of Fresno by this Fifth Count of  
13 this Information of committing the following crime at and in the  
14 County of Fresno, State of California:

15 VIOLATION OF SECTION 245(a)(1) OF THE PENAL CODE, a felony.  
16 The said defendant, on or about July of 1987, to on or about  
17 December of 1987, did willfully and unlawfully commit an assault  
18 upon DIANNE STRONG, with a deadly weapon, to wit: gasoline, and  
19 by means of force likely to produce great bodily injury.

20 EDWARD W. HUNT  
21 District Attorney for  
22 the County of Fresno,  
23 State of California

24 by *Gary J. Hoff*  
25 *Chief Deputy District Attorney*  
26 for DENNIS J. COOPER  
27 Senior Deputy District Attorney

28 The foregoing instrument is a correct  
copy of the original on file in this  
office

ATTEST: OCT 25 1988

GALEN LARSON, County Clerk  
State of California, County of Fresno



# EXHIBIT

# 3



COURT OF APPEAL  
FIFTH APPELLATE DISTRICT

FILED

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

NOV 15 1989

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIFTH APPELLATE DISTRICT By KEVIN A. SWANSON, Clerk  
Deputy

THE PEOPLE,

Plaintiff and Respondent,

v.

SYLVESTER STRONG, SR.,

Defendant and Appellant.

No. F011515

(Super. Ct. No. 380750-0)

O P I N I O N

THE COURT\*

APPEAL from a judgment of the Superior Court of Fresno County. Mario Olmos, Judge.

Andrew French Loomis, under appointment by the Court of Appeal, for Defendant and Appellant.

John K. Van de Kamp, Attorney General, Richard B. Iglehart, Chief Assistant Attorney General, Arnold O. Overoye, Senior Assistant Attorney General, W. Scott Thorpe and Clayton S. Tanaka, Deputy Attorneys General, for Plaintiff and Respondent.

\* \* \*

Strong pled guilty to second degree murder (Pen. Code, § 187)<sup>1/</sup> and assault with a deadly weapon (§245, subd. (a)(1)). He

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<sup>1/</sup> All statutory references are to the California Penal Code; all rule references are to the California Rules of Court.

\*Before Best, Acting P.J., Stone (W.A.), J., and Baxter, J.

admitted having used a deadly weapon in the commission of both crimes (§ 12022, subd. (b)). The plea bargain provided for dismissal of three other counts of assault with a deadly weapon, the prosecutor reserving the right to comment at sentencing. Strong was sentenced to prison for 15 years to life on the murder plus a consecutive three-year middle base term on the assault. On this appeal from the judgment, he contends that the sentencing judge erred in 1) relying on facts pertaining to the dismissed assault counts; 2) finding that the crimes involved separate victims; and 3) ignoring "several statutory circumstances in mitigation."

Sentencing occurred October 21, 1988. The judge had read and considered a probation officer's report (RPO) dated October 12, 1988, together with numerous letters. The instant crimes occurred on December 10, 1987, when Strong broke into the house of his ex-wife, Diana, stabbed her to death, and cut Lavelle Jones, a man who was on the premises. The instant crimes culminated a series of violent crimes by Strong against Diana.

1) He was convicted of battery based on a January 1987 incident in which he slapped her face. 2) He was convicted of corporal injury on his spouse based on a February 1987 incident in which he struck her in the face with his fist numerous times. 3) In July 1987 Diana told police that he had swung a knife at her, inflicting a scratch, and struck her on the lip and shoulder with his fist. 4) In September 1987 she told police that he cut her with a knife, after she tried to defend herself with a knife during a fist fight. 5) Finally, their five-year-old son testified to an

incident in the last half of 1987 in which Strong poured gasoline on Diana. Incidents 3), 4), and 5) formed the basis for the three assault counts dismissed pursuant to plea bargain in the instant case.

In a letter to the court, Strong's counsel argued for concurrent terms. According to counsel, his client hoped to reconcile with Diana. On December 10, his mother and sister told him Diana had been by their house to visit them. Sorry that he had missed her and wanting to discuss reconciliation, he got a ride to her house. When he arrived he saw Jones's truck parked in front. He knew Jones and his reputation "as a man who played around with married women." When he was not admitted upon knocking, he became enraged. He killed Diana and injured Jones because of this rage. Counsel reasoned that "the court should impose a concurrent sentence for the assault on Mr. Jones because this assault occurred due to a situation that is highly unlikely to reoccur. Mr. Jones was not the object of Mr. Strong's anger. Mr. Strong was frustrated, hurt, and angry because of the break up [sic] of his marriage. Dianne [sic] Strong's tragic death terminates the cause of Mr. Strong's anger making it unlikely that there will be a reoccurrence [sic] of this type of violence from Mr. Strong."

At sentencing Strong's counsel reprised this argument for concurrent terms. Counsel acknowledged the obvious: his client's violent conduct pattern made him a serious danger to his wife. He denied that this pattern showed any danger to society at large. Counsel reasoned that "all his problems revolved around the breakup of his marriage that I think he will freely admit were due to his abuse of the substance of cocaine."

After listening to lengthy comments from both counsel, the judge denied probation. The judge then analyzed the case as follows:

"And in reviewing the factors that have been cited for reasons for imposition of the consecutive terms in this case, I think that -- and I might add, those are different and distinct from those that are cited for the imposition of the aggravated term in this case. The criteria for the aggravated term in this report are the -- that the defendant's prior convictions are increasingly serious, he was on probation at the time he committed the offense.

"I think we've already cited the factors in mitigation, that he voluntarily acknowledged wrongdoing, he was having -- had a history of cocaine use; apparently not known to some people, but I think that history is apparent.

"But aside from the -- those factors in aggravation, there are two very distinct and important factors that I think justify the imposition of the consecutive terms in this case, is obviously separate acts of violence and separate victims. I think Mr. Dreiling addressed it in his letter. However, the fact remains that Mr. Jones was injured, sustained injury by attempting to come to the assistance of the victim in this case. And I think Mr. Cooper in his letter outlines what the evidence would have shown at a trial; that is, that the fatal injury, the fatal knife cut to the jugular was inside the residence after the body -- after Mr. Strong took the victim back into the house, and after the contact with Mr. Jones and the injury of Mr. Jones.

"And equally as important is the pattern of violent conduct, which I think does indicate a danger to society. Certainly Mr. Jones found that to be the case. But the dismissed counts indicate prior incidents of violent behavior involving a knife by Mr. Strong against the victim. They all involve a pattern of attempting to seek funds from the victim to support his cocaine habit. Perhaps there was a mixture of other motives, perhaps his desire to reconcile with her, but I think the contention is that on this incident of the killing, that that was done out of a sense of outrage and perhaps passion that Mr. Lavelle Jones was viewed as a possible suitor of the victim, but I don't think it's a -- I think that pattern is consistent with the other incidents."

Harvey Error

In People v. Harvey (1979) 25 Cal.3d 754, our Supreme Court held that "Implicit in such a plea bargain [providing for the dismissal of a count in consideration of a defendant's agreement to plead guilty to other counts], we think, is the understanding (in the absence of any contrary agreement) that defendant will suffer no adverse sentencing consequences by reason of the facts underlying, and solely pertaining to, the dismissed count." (Id., at p. 758.) Strong contends that the sentencing judge violated Harvey when he considered the facts underlying the three dismissed assaults. He reasons that "the prosecution's unilateral reservation of a right to comment on the dismissed counts is not sufficient" to show an explicit waiver of the defendant's Harvey rights.

This argument is totally devoid of merit. During the guilty plea proceedings, the prosecutor summarized in detail the plea bargain, including the following: "In return for the defendant's pleas and admissions regarding those two counts [the murder and the assault on Jones], the People are prepared to move to dismiss Counts 3, 4, and 5 of the Information and the enhancement appended to Counts 3 and 4 while reserving the right to comment on those three counts . . . ." The judge then summarized the background of the plea bargain negotiations. Asked for comment, Strong's counsel stated that "the agreement as stated by the Court and counsel is as I understand it." The court then added "I would concur with [the prosecutor's] comments."



The record undermines any claim that the prosecutor's reservation of a right to comment on the dismissed counts was a unilateral statement not binding on the defense. Rather, the right to comment was one of the terms of the plea bargain, as summarized by the prosecutor and as confirmed by defense counsel. We reject Strong's contention that this term, as stated by the prosecutor, was ambiguous. The only reasonable meaning was that the prosecutor could comment on and the sentencing judge could consider the facts underlying the dismissed counts. A right to comment on dismissed counts would be completely worthless unless it included the right to have the comments considered by the sentencing judge. In short, the instant record shows the "contrary agreement" required by People v. Harvey.

"Separate Victims"

Strong contends that, in finding that the crimes involved "separate victims," the judge erroneously invoked rule 425(a)(4), "Any of the crimes involved multiple victims." Respondent concedes that the judge erred. Both the contention and the concession are wrong.

As the quoted passage reveals, the judge found that "aside from the . . . factors in aggravation [cited in the RPO], there are two very distinct and important factors that I think justify the imposition of the consecutive terms . . . ." The judge then cited "obviously separate acts of violence and separate victims," explaining his reasoning. The judge continued, "And equally as important is the pattern of violent conduct, which I think does indicate a danger to society." Thus, the two distinct factors were

1) separate acts of violence and separate victims and 2) pattern of violent conduct.

Contrary to the parties, the judge did not find that either the murder or the assault involved multiple victims. Rather, the judge found that the murder and assault involved separate violent acts committed against separate victims, Diana and Jones. The commission of separate acts of violence supports consecutive terms, without regard to the number of victims (rule 425(a)(2)). The judge could find additional relevance in the fact that these separate acts here were committed against two different persons (rule 408(a), (court may consider "additional criteria reasonably related to the decision being made")).

#### Mitigating Factors

Finally, Strong argues that the judge failed to consider as mitigating factors supporting concurrent terms 1) that the crimes resulted from a single course of conduct; 2) that they occurred at the same time and place; and 3) that "they were not likely to recur since they arose from the breakup of [Strong's] marriage." In the technical world of determinate sentencing, factors 1) and 2) are not "Circumstances in Mitigation" under rule 423, but instead are "Criteria Affecting Concurrent or Consecutive Sentences" under rule 425(a)(1) and (3). This being the case, the judge's failure to mention them in referring to "factors in mitigation" does not show that he failed to consider these factors or to give them any weight.

Factor 3) invokes rule 423(a)(3), "The crime was committed because of an unusual circumstance, such as great provocation,

which is unlikely to recur." According to Strong, the "unusual circumstance" was the breakup of his marriage. We cannot agree that a defendant's domestic problems mitigate a year-long, course of violent conduct, such as occurred here. Strong's domestic problems and his violence against Diana long predated December 10, 1987. By the time that he finally murdered her, there was nothing unusual about his domestic problems or his resorting to violence. His violent course of conduct against Diana necessarily stopped with her murder. It is outrageous to suggest that Strong derives some mitigating benefit from carrying his violence to the ultimate crime. (Cf. People v. Boerner (1981) 120 Cal.App.3d 506, 510, fn. 4 (contention that victims' illegal alien status mitigated robbery was "outrageous").)

The judgment is affirmed.

RECEIVED  
NOV 28 1993

RECORDS OFFICE  
TOLSON STATE PRISON



# EXHIBIT

# 4

1 197

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 IN AND FOR THE COUNTY OF FRESNO

3 Before the Honorable Mario G. Olmos, Judge

4 Department Six

**FILED**

5 -oOo-

SEP 14 1988

6 THE PEOPLE OF THE STATE )  
7 OF CALIFORNIA, )

FRESNO COUNTY CLERK  
By *[Signature]* DEPUTY

8 Plaintiff, )

No. 380750-0

9 vs. )

CHANGE OF PLEA

10 SYLVESTER STRONG, )

11 Defendant. )

12 -oOo-

13 Fresno, California

September 12, 1988

14 REPORTER'S TRANSCRIPT

15 -oOo-

16 A P P E A R A N C E S:

17 FOR THE PEOPLE:

EDWARD W. HUNT, District  
Attorney of Fresno County  
BY: DENNIS COOPER  
Deputy District Attorney

20 FOR THE DEFENDANT:

JOSE VILLARREAL, Public  
Defender of Fresno County  
BY: CHARLES DREILING  
Deputy Public Defender

23 -oOo-

24 Reported by:

MICHAELYN J. MANN, C.S.R./RPR  
CERTIFICATE NUMBER 4292

25 .. 7118

26

1                                    SEPTEMBER 12, 1988

2            THE COURT: At this time, I'll call case number  
3            380750-0, matter of Sylvester Strong.

4            MR. COOPER: Dennis Cooper for the People, Your Honor.

5            MR. DREILING: Charles Dreiling for Mr. Strong, who is  
6            present in court in custody, Your Honor.

7            MR. COOPER: Your Honor, in this matter, the People are  
8            prepared to accept certain pleas from the defendant. To be  
9            more specific, the People are prepared to accept a plea of  
10           guilty to Count 1 as second degree murder, and an admission  
11           of the enhancement pursuant to Penal Code Section  
12           12022 (b). Also, a plea of guilty to Count 2 of the  
13           Information, and an admission of the enhancement to Count 2,  
14           also pursuant to Penal Code Section 12022 sub (b).

15           In return for the defendant's pleas and admissions  
16           regarding those two counts, the People are prepared to move  
17           to dismiss Counts 3, 4 and 5 of the Information and the  
18           enhancement appended to Counts 3 and 4 while reserving the  
19           right to comment on those three counts, and also while  
20           reserving the right to comment on two other incidents which  
21           were at one time part of proceedings in the municipal court  
22           of Fresno County. I do not have municipal court action  
23           numbers for them, but I do have District Attorney file  
24           numbers for them, one of them being DA number 87 M 02704,  
25           and 87 M 04835. The People's motions to dismiss those  
26           counts would be made hopefully without prejudice to

1 reinstate those counts until such time as the judgment and  
2 sentencing concerning this matter would become final.

3 THE COURT: All right. The record should reflect this  
4 matter was called this morning off the master trial calendar  
5 for assignment for jury trial. And I believe there were  
6 discussions initiated by Mr. Dreiling on behalf of Mr.  
7 Strong about the possibility of a resolution of this matter  
8 short of a jury trial.

9 The record should reflect that I spoke to Mr. Dreiling  
10 and Mr. Cooper this morning and briefly this afternoon  
11 outside the presence of the Court Reporter, discussed the  
12 case, the background of the case. And the record should  
13 reflect that I handled a motion to sever in this case, so I  
14 was aware of much of the background of the case because of  
15 the issues raised at the time of the motion to sever. I  
16 believe there may have been an accompanying motion. But I  
17 just recall specifically the motion to sever.

18 And from those discussions, it appeared to the Court  
19 that counsel were not in disagreement regarding what the  
20 probable outcome would be in this case. And that's, I  
21 think, reflected in the People's offer. Mr. Dreiling  
22 advised the Court further of the -- certain background  
23 information about Mr. Strong, circumstances of this  
24 particular killing.)

25 And it was my position that based on that background,  
26 and the likely disposition, likely outcome by way of jury,

1 that the Court could for a plea at this point put a midterm  
2 lid on the second count, the 245 subparagraph (a),  
3 subparagraph (1) and stay the two enhancements, and that  
4 that would not be an unlikely -- or that would not be a  
5 substantial difference from what the likely outcome of a  
6 jury trial would be in any case.

7 In fact, there might be some benefit to Mr. Strong by  
8 way of the enhancements, that -- if those were established,  
9 then realistically, I think, there might be an additional  
10 two-year penalty imposed. But the Court was willing to give  
11 Mr. Strong the benefit of that in return for his plea. I  
12 think the possibility in this case is that there might be an  
13 aggravated term imposed on Count 2. However, that would be  
14 -- that would be, I think a situation that is not as likely  
15 as a midterm. And I'm not sure what the Probation  
16 Department would do in light of the remaining counts if the  
17 conviction were obtained by the People.

18 But I think the most likely outcome is the one I  
19 described, and essentially, I would be giving Mr. Strong the  
20 benefit of the doubt on the two enhancements, and that if  
21 the People's offer, while standing -- my understanding is  
22 that I would impose a midterm lid on Count 2 and also  
23 condition a stay on the two enhancements in return for the  
24 plea.

25 MR. COOPER: If I may, Your Honor. Pursuant to 1192.7,  
26 the People's offer specifying Count 1 as second degree

1 murder is extended because although there does exist some  
2 evidence consistent with first degree murder, and there --  
3 and for that reason, there is some evidence from which a  
4 jury might return a verdict of first degree murder, the  
5 evidence clearly and perhaps even more than is required  
6 would make out the elements of second degree murder and I --  
7 the plaintiff's position is that with confidence, we feel a  
8 jury would return a verdict of guilty concerning second  
9 degree murder. We see that for these evidentiary reasons,  
10 this disposition is a reasonable one with respect to  
11 Count 1.

12 And concerning the -- Counts 3 through 5, and  
13 considering the workings of Penal Code Section 1170.1, I  
14 believe it is, the plaintiff sees no substantial difference  
15 in sentencing should the defendant be convicted of those  
16 three counts. The plaintiff is -- although while not  
17 endorsing or joining in or modifying the offer in accordance  
18 with the specifics the Court has just outlined, the  
19 plaintiff does not choose to withdraw the dispositional  
20 offer because the specifics as the Court laid out do not  
21 amount to a substantial net change and expected or possible  
22 sentencing from the original dispositional offer. And the  
23 plaintiff is in those respects relying on a great likelihood  
24 of a consecutive sentence with respect to Count 2. Thank  
25 you.

26 THE COURT: Mr. Dreiling?

1 MR. DREILING: Your Honor, that -- the agreement as  
2 stated by the Court and counsel is as I understand it.

3 THE COURT: Yes. And I would concur with Mr. Cooper's  
4 comments. I think they reflect not only resolving the  
5 position, but the matters we discussed previously. And I  
6 would not be entertaining this particular plea but for the  
7 matters stated before on the record by Mr. Cooper,, that in  
8 fact, this is a matter that a jury more likely than not  
9 would return a verdict on Count 1 as a second degree. And  
10 the People made an offer with regard to all counts because  
11 of the reasons stated by Mr. Cooper. And it's unlikely that  
12 the matters would come back as consecutives, I think, on  
13 Counts 3 through 5. And that more likely, those factors  
14 would be used as a means of imposing a midterm or aggravated  
15 term with regard to Count 2.

16 And -- so Mr. Dreiling, is your -- is Mr. Strong ready  
17 to proceed with the plea on those conditions, the conditions  
18 outlined by Mr. Cooper with regard to the offer and the  
19 Court's indication that it would put a midterm lid on Count  
20 2 and stay any penalties on the one-year enhancement?

21 MR. DREILING: Yes, Your Honor. Based on the  
22 conditions as stated by the Court and counsel, we are ready  
23 to proceed with the withdrawal of the previously-entered  
24 plea of not guilty and entering new and different pleas of  
25 guilty to Counts 1 and 2.

26 THE COURT: Is that correct, Mr. Strong?



1 DEFENDANT STRONG: Yes.

2 THE COURT: Other than the conditions that have just  
3 been set out here on the record, and you understand, Mr.  
4 Strong, I indicated I talked to both your attorney and to  
5 Mr. Cooper earlier. You were not present, there was no  
6 court reporter present, unlike the lady who is taking down  
7 everything this morning. But I believe we've set forth all  
8 those discussions here on the record now with regard to what  
9 we have discussed. I just wanted to make sure that you were  
10 aware that we had discussed these. And you were not  
11 present, there's no record of that. But it's my practice  
12 when we have those occasions to set those matters on the  
13 record in your presence, like we've done here this morning  
14 -- I mean this afternoon.

15 And I believe we -- Mr. Dreiling, is there anything  
16 else that we have discussed that's not --

17 MR. DREILING: I don't believe so, Your Honor.

18 THE COURT: Mr. Cooper, is there anything we have  
19 discussed that is not part of the record now?

20 MR. COOPER: No, Your Honor.

21 THE COURT: Mr. Strong, you understand your case was  
22 called this morning for purposes of assignment of your case  
23 to a jury for a decision by a jury as to your guilt or  
24 innocence of the charges set forth in the Information.

25 DEFENDANT STRONG: Yes, I understand that.

26 THE COURT: And do you understand that if the Court



1 takes a plea from you, either guilty or a plea of no  
2 contest, which would be the same as far as this court is  
3 concerned for all purposes, that you would be giving up your  
4 right to a jury trial in this case?

5 DEFENDANT STRONG: Yes, I understand that also.

6 THE COURT: And do you understand a jury to be 12  
7 citizens of the community selected at random who would  
8 listen to the evidence presented in your case? They would  
9 also receive instructions of law from the judge who was  
10 assigned the case, and all 12 members of the jury would have  
11 to decide and agree as to your guilt beyond a reasonable  
12 doubt and to a moral certainty before you could be found  
13 guilty of a charge. Do you understand by pleading guilty,  
14 you give up your right to a jury trial?

15 DEFENDANT STRONG: Yes, I do.

16 THE COURT: Do you give up your right to a jury trial?

17 DEFENDANT STRONG: Yes.

18 THE COURT: Do you understand that you also have the  
19 right to have a trial before a judge who would hear and  
20 decide your case without a jury? Do you understand by  
21 entering a plea of guilty or no contest, you would be giving  
22 up your right to a court trial?

23 DEFENDANT STRONG: Yes, I do.

24 THE COURT: Do you give up your right to a trial before  
25 a judge?

26 DEFENDANT STRONG: Yes, I do.

1 THE COURT: You also have the right to cross-examine  
2 and confront all witnesses who testify against you; that is  
3 to see and hear and have your attorney question any and all  
4 witnesses who testify against you. Do you understand that  
5 by entering a plea of either guilty or no contest, you give  
6 up your right to confront such witnesses?

7 DEFENDANT STRONG: Yes, I do.

8 THE COURT: Do you give up your right to confront such  
9 witnesses?

10 DEFENDANT STRONG: Yes.

11 THE COURT: You also have the right to have the Court  
12 order any witnesses to appear on your own behalf and testify  
13 in your behalf in this case at no cost to you. Do you  
14 understand by entering a plea of guilty or no contest, you  
15 give up the right to compel the attendance of such  
16 witnesses?

17 DEFENDANT STRONG: Yes, I do.

18 THE COURT: Do you give up the right to compel the  
19 attendance of such witnesses?

20 DEFENDANT STRONG: Yes.

21 THE COURT: You also have the right to present evidence  
22 in your own behalf in defense of the charges that have been  
23 filed against you. Do you understand by entering a plea of  
24 guilty, you give up this right also?

25 DEFENDANT STRONG: Yes.

26 THE COURT: Do you give up your right to present

1 evidence in your own behalf?

2 DEFENDANT STRONG: Yes.

3 THE COURT: You also have the privilege against  
4 self-incrimination; that is, you have the right to remain  
5 silent, that you cannot be forced or coerced or made to  
6 testify if you do not wish to do so, that at no time do you  
7 have to testify in order to prove your innocence or to  
8 disprove the charges against you. The burden is on the  
9 District Attorney represented here by Mr. Cooper to prove  
10 your guilt beyond a reasonable doubt. You have absolutely  
11 no burdens -- you have no burden whatsoever in this case.

12 DEFENDANT STRONG: Yes.

13 THE COURT: Also, if you decide to exercise your right  
14 to remain silent and not testify, you have the further right  
15 not to have your silence commented upon or used against you  
16 in any way by the prosecutor. Do you understand that?

17 DEFENDANT STRONG: Yes, I do.

18 THE COURT: You also have the right to testify in your  
19 own behalf. But by pleading guilty, you give up that  
20 right. Do you understand that?

21 DEFENDANT STRONG: Yes.

22 THE COURT: Do you understand that as a result of this  
23 -- by giving up this privilege, that by pleading guilty, you  
24 give up this right, you admit the commission of the crimes  
25 charged, thereby incriminating yourself?

26 DEFENDANT STRONG: Yes, I do.

11 207

1 THE COURT: Do you give up your right against  
2 self-incrimination?

3 DEFENDANT STRONG: Yes.

4 THE COURT: Do you have any questions about the rights  
5 you've just given up?

6 DEFENDANT STRONG: No, I don't.

7 THE COURT: Has your attorney explained each of these  
8 rights to you?

9 DEFENDANT STRONG: Yes.

10 THE COURT: Are you giving up these rights freely and  
11 voluntarily?

12 DEFENDANT STRONG: Yes.

13 THE COURT: Do you have any questions about the charges  
14 filed against you in this case?

15 DEFENDANT STRONG: No, I don't.

16 THE COURT: Do you understand by entering this plea,  
17 you are -- you have given up all of your rights, there won't  
18 be any trial and you won't have any right to appeal?

19 DEFENDANT STRONG: Yes, I do.

20 THE COURT: With regard to the factual basis, how do  
21 counsel wish to proceed with that?

22 MR. DREILING: Your Honor, perhaps I'll make a brief  
23 statement.

24 THE COURT: All right. Would counsel stipulate to the  
25 use of the preliminary hearing transcript in addition to the  
26 statement?

1 MR. DREILING: Yes, Your Honor, I'd offer to stipulate  
2 that the preliminary hearing transcript contains a factual  
3 basis supporting the pleas.

4 THE COURT: Would you join in that?

5 MR. COOPER: Yes, I would. And I'd encourage the Court  
6 to make that part of the factual basis.

7 THE COURT: I'll so incorporate that. But in addition  
8 to that, Mr. Dreiling, could you make either a statement or  
9 summarize the testimony presented at the preliminary hearing  
10 that would support the plea in this case.

11 MR. DREILING: The testimony at the preliminary hearing  
12 was that on December the 10th of last year, 1987, Mr. Strong  
13 went to the home of his former wife and there, uh, broke  
14 through the front door and entered that home, and inside  
15 that home, uh, slashed at a Mr. Lavelle Jones with a knife,  
16 causing him to be cut slightly on the hand, and ultimately  
17 caused his wife to be stabbed with a knife, and she  
18 subsequently died.

19 THE COURT: Mr. Cooper, is that a correct summary of  
20 the preliminary hearing testimony, or is there any other  
21 matter you wish to add at this point?

22 MR. COOPER: Well, Your Honor, it is somewhat general,  
23 but with the knowledge that the Court would also consider  
24 the preliminary hearing transcript, I'm satisfied.

25 THE COURT: All right. Do you understand that, Mr.  
26 Strong?

1 DEFENDANT STRONG: Yes, I do.

2 THE COURT: And you understand that's the preliminary  
3 hearing transcript, that testimony presented at that  
4 hearing, plus the statement that was made by your attorney  
5 is going to be used by the Court to determine that in fact  
6 you are the person who committed the offense set forth in  
7 the Information with regard to Count 1 and Count 2.

8 DEFENDANT STRONG: I understand that.

9 THE COURT: That would be the information the Court  
10 would rely on to support your plea to those two counts.

11 DEFENDANT STRONG: Yes.

12 THE COURT: And with regard to Count 1, you understand  
13 that Count 1 as murder in the second degree carries a state  
14 prison term of 15 years to life.

15 DEFENDANT STRONG: Yes, I understand that.

16 THE COURT: And that the enhancement alleged in the  
17 Information for Count 1, that you personally used a deadly  
18 and dangerous weapon, to wit, a knife, within the meaning of  
19 Penal Code Section 12022 subparagraph (b), carries an  
20 additional one-year enhancement; in other words, an  
21 additional one-year term.

22 DEFENDANT STRONG: Yes.

23 THE COURT: With regard to Count 2, that's also a  
24 felony, violation of section 245, subparagraph 1 (a),  
25 subparagraph 1 of the Penal Code, that you on or about that  
26 same date, December 10th, did willfully and unlawfully



1 commit an assault upon Lavelle Jones with a deadly weapon,  
2 to-wit, a knife, that felony carries a minimum state prison  
3 term of two years, a midterm of three, a maximum of four and  
4 in addition to that, a fine of 10,000 dollars. Do you  
5 understand that?

6 DEFENDANT STRONG: Yes.

7 THE COURT: And that the enhancement alleged in that  
8 count that you personally used a deadly and dangerous  
9 weapon, to-wit, a knife, within the meaning of Penal Code  
10 Section 12022 subparagraph (b) would carry an additional  
11 one-year term. Do you understand that?

12 DEFENDANT STRONG: Yes.

13 THE COURT: As a further consequence of your plea of  
14 guilty, you are advised that if you are not a citizen of the  
15 United States, you may be deported, excluded from admission  
16 to the United States or be denied naturalization pursuant to  
17 the laws of the United States. Do you understand that's a  
18 possible consequence if you are not a citizen of the United  
19 States?

20 DEFENDANT STRONG: Yes, I do.

21 THE COURT: As a further consequence of your plea of  
22 guilty, you are advised you could be placed on parole for a  
23 period of time after your release from state prison.

24 DEFENDANT STRONG: Yes.

25 THE COURT: And I believe for second degree, it's seven  
26 years.

15 211

1 MR. COOPER: For life, Your Honor.

2 THE COURT: It's life? You may be right.

3 MR. COOPER: Was the Court dealing with the possible  
4 term of parole?

5 THE COURT: Yes.

6 MR. COOPER: It's my understanding --

7 THE COURT: Yes, just for the term of parole.

8 MR. COOPER: Could we approach the bench on that,  
9 Judge?

10 THE COURT: Yes.

11 (Discussion held at bench among counsel  
12 and the Court; not reported.)

13 THE COURT: I just found Penal Code Section 3000.1, and  
14 it reads as follows:

15 "In the case of any inmate sentenced under  
16 Section 1168 for any offense of first or second  
17 degree with a maximum term of life imprisonment,  
18 the period of parole, if parole is granted, shall  
19 be for the remainder of the inmate's life."

20 So you understand a lifetime parole, that would be the  
21 possible consequence with regard to Count 1.

22 DEFENDANT STRONG: Yes.

23 THE COURT: And Mr. Strong, I've been advised that you  
24 are not currently on probation or parole, but if you were on  
25 probation or parole, that your plea of guilty may be the  
26 basis for a revocation of your parole or probation and be



16 212

1 used to find you in violation of your parole or probation  
2 and that you could then be sentenced to the maximum time in  
3 custody either in jail or state prison for any time which  
4 you are currently on probation or parole. Do you understand  
5 that would be a further consequence?

6 DEFENDANT STRONG: Yes, I do.

7 THE COURT: Has anyone threatened you or your family or  
8 friends in order to get you to plead guilty or no contest?

9 DEFENDANT STRONG: No.

10 THE COURT: Is your plea freely and voluntarily made?

11 DEFENDANT STRONG: Yes.

12 THE COURT: Other than the statements made here by your  
13 attorney, the District Attorney and myself with regard to  
14 the conditions, have any other promises been made in order  
15 to get you to change your plea?

16 DEFENDANT STRONG: No.

17 THE COURT: So you understand you're looking at a  
18 possible prison term of 15 years to life on Count 1.

19 DEFENDANT STRONG: Right.

20 THE COURT: And the additional one-year enhancement for  
21 the use of a knife would be stayed. And with Count 2,  
22 there's been no determination yet of -- with regard to  
23 whether or not that will be concurrent or consecutive, but  
24 that could result in an an additional four-year term. The  
25 Court's already made a commitment that you would serve,  
26 however, no more than three years. That could be in

1 addition to the 15 year to life term that could be imposed  
2 on Count 1. Do you understand that?

3 DEFENDANT STRONG: Yes. So what would the total be?

4 THE COURT: You understand what the sentencing -- what  
5 the law requires is that on the determinate sentence for  
6 Count 2, the assault with a deadly weapon, that that would  
7 be a term that would be served -- could be served  
8 consecutive to and prior to any indeterminate term. So that  
9 basically, the Court would impose a three-year midterm,  
10 that's the promise that it's making and that the one-year  
11 enhancement would be stayed, and that would be served first,  
12 and it could be served consecutive to the indeterminate term  
13 of 15 years to life. So that what you could be looking at  
14 is 18 years to life. Do you understand that?

15 DEFENDANT STRONG: Yes, I do.

16 THE COURT: With regard to -- I know it wasn't  
17 discussed, we haven't discussed it before, but on the issue  
18 of probation, have you discussed that with Mr. Strong?

19 MR. DREILING: No.

20 THE COURT: Do you want to indicate for the record what  
21 -- what position there is with regard to the issue of a  
22 grant of probation in this case?

23 MR. DREILING: I don't believe there's any issue  
24 concerning probation, Your Honor.

25 THE COURT: Well, that's what I want to get on the  
26 record, that that has not been discussed or mentioned to Mr.

1 Strong, that that's not an issue.

2 MR. DREILING: It's not an issue in this case.

3 THE COURT: Mr. Strong, do you understand, Mr. Strong,  
4 that this is a state prison term, there's not going to be  
5 any -- the -- well, you did not discuss that at all with  
6 him?

7 MR. DREILING: No. I didn't discuss probation.

8 THE COURT: Because I think the record should reflect  
9 whether or not that -- whether a state prison term is the  
10 only term that is --

11 MR. DREILING: I suppose theoretically, probation would  
12 be available for Count 2. But it's moot by Count 1.

13 THE COURT: Mr. Cooper?

14 MR. COOPER: Your Honor, could we come to the bench?

15 THE COURT: Yes.

16 (Discussion held at bench among counsel and  
17 the Court; not reported.)

18 THE COURT: Mr. Strong, I think we should place on the  
19 record the conversation I've just had with your attorney and  
20 with Mr. Cooper. And that is with regard to the -- even  
21 though there's no statutory prohibition against a grant of  
22 probation, do you understand that in this case, as a  
23 practical matter, you're looking at a state prison term, a  
24 state prison term within the parameters that I described  
25 earlier.

26 DEFENDANT STRONG: Yes, I understand.

19 215

1 THE COURT: So any hope, desire, expressed or  
2 unexpressed regarding a grant of probation are not  
3 realistic. I want you to be aware of that.

4 DEFENDANT STRONG: I understand that.

5 THE COURT: All right. Mr. Strong, have you told your  
6 attorney all the facts and circumstances that are known to  
7 you about this case?

8 DEFENDANT STRONG: Yes, I have.

9 THE COURT: Have you had sufficient time to talk to  
10 your attorney about the facts and circumstances of this  
11 case?

12 DEFENDANT STRONG: Yes.

13 THE COURT: And Mr. Dreiling, have you had sufficient  
14 time to talk to Mr. Strong about this case?

15 MR. DREILING: Yes, I have, Your Honor.

16 THE COURT: Mr. Dreiling, do you join in your client's  
17 waiver of his right to a jury trial, right to appeal?

18 MR. DREILING: Yes.

19 THE COURT: His right to confront and cross-examine  
20 witnesses?

21 MR. DREILING: Yes.

22 THE COURT: And his privilege against  
23 self-incrimination?

24 MR. DREILING: Yes, I do.

25 THE COURT: Do you consent to his pleas as set forth  
26 earlier this afternoon?

1 MR. DREILING: Yes.

2 THE COURT: Is there anything else before the Court  
3 takes a plea from Mr. Strong?

4 MR. COOPER: I have nothing, Your Honor.

5 THE COURT: Permission to withdraw the  
6 previously-entered pleas of not guilty to all charges is  
7 granted; the plea is hereby withdrawn.

8 The Court finds that Mr. Strong is in full possession  
9 of his faculties, understands the nature of these  
10 proceedings, the consequences of his plea, and that he  
11 understands all of his rights and knowingly and  
12 intelligently gives them up.

13 Mr. Strong, with regard to Count 1 alleging a violation  
14 of Section 187 of the Penal Code, that you on or about  
15 December 10th, 1987 did willfully and unlawfully and with  
16 malice -- that should be amended. I was wondering with  
17 regard to the enhancements, perhaps I ought to go through  
18 that with him, too.

19 Mr. Strong, you understand that the jury, in addition  
20 to any charge in this case, will be required to make a  
21 finding of whether or not you in fact used a knife with  
22 regard to each of the counts in which those are alleged.  
23 And do you understand that the jury must make those findings  
24 by proof beyond a reasonable doubt also?

25 DEFENDANT STRONG: Yes, I understand that.

26 THE COURT: And I'm going to be asking you whether or

21 217

1 not you admit using a knife, and they carry the same rights  
2 that I've previously indicated with regard to the underlying  
3 charge, that is, a charge of murder and the charge of  
4 assault with a deadly weapon. And you understand you would  
5 have all the same rights I previously have explained with  
6 regard to those enhancements as well as to the same rights  
7 that you have to those charges that are set forth in the  
8 Information. Do you understand that?

9 DEFENDANT STRONG: Yes.

10 THE COURT: And that by admitting the violations, you  
11 would be giving up all those rights with regard to those  
12 charges and to the enhancements, and you would be making the  
13 same admission, if you will, as you would in your plea to  
14 the underlying charges. Do you understand that?

15 DEFENDANT STRONG: Yes.

16 THE COURT: With regard to the charge set forth in the  
17 Information in Count 1, murder in the second degree, what is  
18 your plea, Mr. Strong, guilty or not guilty or no contest?

19 DEFENDANT STRONG: No contest.

20 THE COURT: And do you understand, Mr. Strong, as far  
21 as this court is concerned and for all purposes, the plea of  
22 no contest is the same as a guilty plea?

23 DEFENDANT STRONG: Yes, I do.

24 THE COURT: And with regard to the enhancement that's  
25 alleged that you personally used a deadly and dangerous  
26 weapon, to-wit, a knife, do you admit or deny that



1 before the Court.

2 THE COURT: Those are the two misdemeanor matters, the  
3 conviction and the filing? Are those --

4 MR. COOPER: Yes, Your Honor, as I specified with the  
5 DA numbers earlier.

6 THE COURT: All right. It's ordered that the  
7 defendant's pleas and waiver of constitutional rights be  
8 accepted and entered in the minutes of this court.

9 The Court Reporter is to prepare, certify and file a  
10 transcript of these proceedings.

11 The Court will order that a probation officer's report  
12 be prepared and served on the parties on or before October  
13 2nd, 1988. And the hearing on the report and recommendation  
14 of the probation office and imposition of sentence will be  
15 29 days from today. 28 days falls on a court holiday.  
16 That's October 10th. So the next date is October 11th,  
17 Tuesday, 8:30. I don't believe we require a time waiver.

18 MR. COOPER: Your Honor, I'd request that the  
19 sentencing hearing actually occur on any day after  
20 the 18th or any day prior to the 4th inasmuch as I  
21 will not be in the jurisdiction during the -- between  
22 the 4th and the 18th.

23 THE COURT: All right. Do you want to set -- the  
24 Probation Department is very much overloaded. I'd like to  
25 set it -- if Mr. Cooper is not going to be here until  
26 October 18th.

1 MR. COOPER: Actually, the 19th would be the first day  
2 I would be on the job.

3 THE COURT: Do you want to do that that week?

4 MR. DREILING: That's fine, Your Honor.

5 THE COURT: Why don't we do this. We'll make that  
6 October 21st. That's a Friday, 8:30.

7 MR. COOPER: That's fine.

8 THE COURT: In this department. Mr. Strong, you're  
9 entitled to have your hearing on the report and  
10 recommendation of the probation office and imposition  
11 of sentence within 28 days from today. By setting it  
12 on the 21st of October, that's going to take us beyond  
13 that 28-day period of time. It requires your agreement  
14 and consent. Do you agree to having your hearing on  
15 the report and recommendation of the probation office  
16 and imposition of sentence on Friday, October 21st,  
17 8:30 in this department?

18 DEFENDANT STRONG: Yes.

19 THE COURT: Anything else before we recess on this  
20 matter?

21 MR. DREILING: No.

22 MR. COOPER: No, Your Honor.

23 THE COURT: All right, we'll recess.

24 Mr. Strong will be remanded to custody.

25 I'll return -- Mr. Cooper, is this your Information or  
26 Mr. Dreiling's?



22 218

1 enhancement?

2 DEFENDANT STRONG: I admit that.

3 THE COURT: With regard to Count 2, that alleges a  
4 violation of Section 245 (a) subparagraph (1), that you did  
5 willfully and unlawfully commit an assault upon Lavelle  
6 Jones with a deadly weapon, to-wit, a knife, and with means  
7 likely to produce great bodily injury.

8 DEFENDANT STRONG: Yes.

9 THE COURT: Do you admit or deny that -- I'm sorry.  
10 What is your plea, guilty or not guilty or no contest?

11 DEFENDANT STRONG: No contest.

12 THE COURT: With regards to the enhancement set forth  
13 in Count 2, that you personally used a dangerous and deadly  
14 weapon, to-wit, a knife, do you admit or deny that  
15 enhancement?

16 DEFENDANT STRONG: I admit the knife.

17 THE COURT: People have a motion with regard to Counts  
18 3, 4 and 5?

19 MR. COOPER: Yes, Your Honor, to dismiss in light of  
20 the pleas that have just been entered with the reservations  
21 that I expressed earlier on the record, both as to right to  
22 comment and as to the dismissal being without prejudice  
23 until the judgment and sentence should become final.

24 THE COURT: Correct.

25 MR. COOPER: And the reservation of the right of the  
26 other two incidents which are not part of the Information

25 221

1 MR. COOPER: "Not mine, Your Honor.

2 THE COURT: Mr. Dreiling, I'll return this to you.

3 (Proceedings concluded.)

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1 STATE OF CALIFORNIA ) ss.

2 )

3 COUNTY OF FRESNO )

4

5 I, MICHAELYN J. MANN, Certified Shorthand Reporter, do  
6 hereby certify that the foregoing pages numbered 2 through  
7 25, inclusive, comprise a full, true and correct transcript  
8 of my shorthand notes and a full, true and correct statement  
9 of the proceedings held in the afore-mentioned matter.

10

11 DATED: September 13, 1938

12 Fresno, California.

13

14

15



16

MICHAELYN J. MANN, C.S.R.

17

CERTIFICATE NUMBER 4292

18

OFFICIAL SHORTHAND REPORTER

19

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26

# **EXHIBIT**

# **5**

SUBSEQUENT PAROLE CONSIDERATION HEARING  
STATE OF CALIFORNIA  
BOARD OF PAROLE HEARINGS

In the matter of the Life )  
Term Parole Consideration )  
Hearing of: )

CDC Number D-99287

SYLVESTER STRONG )  
\_\_\_\_\_) )  
\_\_\_\_\_)

**INMATE  
COPY**

CORRECTIONAL TRAINING FACILITY  
SOLEDA, CALIFORNIA

MAY 31, 2006

4:37 P.M.

**PENDING REVIEW  
AND APPROVAL**

PANEL PRESENT:

PHILIP INGLEE, Presiding Commissioner  
MS. MOORE, Deputy Commissioner

OTHERS PRESENT:

SYLVESTER STRONG, Inmate  
DEJON LEWIS, Attorney for Inmate  
CORRECTIONAL OFFICER(S), Unidentified

CORRECTIONS TO THE DECISION HAVE BEEN MADE

_____	No	See Review of Hearing
_____	Yes	Transcript Memorandum

Ramona Cota

Peters Shorthand Reporting

INDEX

	<u>PAGE</u>
Proceedings .....	1
Case Factors .....	16
Pre-Commitment Factors .....	42
Post-Commitment Factors .....	62
Parole Plans .....	53
Closing Statements .....	89
Recess .....	98
Decision .....	99
Adjournment .....	114
Transcriber Certification .....	115

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1 P R O C E E D I N G S

2 **DEPUTY COMMISSIONER MOORE:** -- the record  
3 at 4:37.

4 **INMATE STRONG:** How are you doing?

5 **DEPUTY COMMISSIONER MOORE:** Very well.

6 **PRESIDING COMMISSIONER INGLEE:** This is a  
7 Subsequent Parole Consideration Hearing. It's  
8 for Sylvester Strong, S-T-R-O-N-G, D-99287.  
9 Today's date is May the 31st, 2006, the time, as  
10 previously noted is 4:37. We are located at CFT  
11 (sic) Soledad. The inmate was received on 11/2  
12 of 1988. He was committed from Fresno County.  
13 The life term began on 11/2/1988; the inmate's  
14 minimum eligible parole date was 12/10 of 1999.  
15 The controlling offense for which the inmate had  
16 been committed is set forth in case number  
17 3807500. Charged in count one, murder second  
18 degree, assault with a deadly weapon, in this  
19 case a knife, Penal Code Section 187 and  
20 245(a)(1). The terms was 18 years to life, five  
21 years, excuse me, 15 years base, 3 years added  
22 to for the use of a knife.

23 **DEPUTY COMMISSIONER MOORE:** Actually the  
24 three years added was for the ADW, assault with  
25 intent to do great bodily injury, I believe for  
26 the second victim. The 187 then the 245.

27 **PRESIDING COMMISSIONER INGLEE:** Okay.



1           **DEPUTY COMMISSIONER MOORE:** My read on  
2 the abstract of judgment.

3           **PRESIDING COMMISSIONER INGLEE:** All  
4 right. Why don't we go for just a short recess.

5           **DEPUTY COMMISSIONER MOORE:** Okay.

6                               (Off the record.)

7           **DEPUTY COMMISSIONER MOORE:** We're back on  
8 the record.

9           **PRESIDING COMMISSIONER INGLEE:** Okay.  
10 And the inmate received a term of 18 years to  
11 life. Fifteen years being the base and then the  
12 second charge three years. Which would be run  
13 consecutively with the original, with the three  
14 year charge going first. Now you had a  
15 question.

16           **ATTORNEY LEWIS:** If I could direct you to  
17 the court's judgment, not the abstract of  
18 judgment. On page five --

19           **DEPUTY COMMISSIONER MOORE:** What court  
20 judgment?

21           **ATTORNEY LEWIS:** It's in the legal  
22 documents.

23           **DEPUTY COMMISSIONER MOORE:** You're  
24 talking about the sentencing document?

25           **ATTORNEY LEWIS:** Yes.

26           **DEPUTY COMMISSIONER MOORE:** On page five?

27           **ATTORNEY LEWIS:** The (overlapping) and

1 judgment.

2 **DEPUTY COMMISSIONER MOORE:** What line?

3 **ATTORNEY LEWIS:** Page 5 lines 15 through  
4 20. And on page 22.

5 **DEPUTY COMMISSIONER MOORE:** The use of  
6 the word enhancement?

7 **ATTORNEY LEWIS:** No. My client was  
8 sentenced to -- He took a plea bargain for an 18  
9 year lid. And somehow, somewhere in the  
10 documents life got tacked on. This was not the  
11 agreement that he and the DA had. Where is the  
12 incentive for him to take a life term? He took  
13 an 18 year lid. It's mentioned in this judgment  
14 twice. An 18 year lid on page 5 lines 15  
15 through 20. And then on page 22 there's a  
16 maximum term of 18 years on line 14 right there.  
17 This is a subject that he has going on in the  
18 court but we were hoping that we could use this  
19 venue today to show that there has been a  
20 mistake made on the abstract on judgment which  
21 has just carried on year after year after year.

22 **DEPUTY COMMISSIONER MOORE:** If I may ask  
23 specifically, what is the error you believe  
24 exists on the abstract of judgment?

25 **ATTORNEY LEWIS:** Well it says 18 to life  
26 when he didn't accept that deal. He accepted an  
27 18 year lid.

1           **DEPUTY COMMISSIONER MOORE:** What is the  
2 difference?

3           **ATTORNEY LEWIS:** Eighteen to life, 18  
4 year lid, meaning that he was only to do up to  
5 18 years, not life.

6           **DEPUTY COMMISSIONER MOORE:** If I may,  
7 Commissioner?

8           **PRESIDING COMMISSIONER INGLEE:** You mean  
9 like a determinate sentence?

10          **ATTORNEY LEWIS:** Yes.

11          **PRESIDING COMMISSIONER INGLEE:** Sure, go  
12 ahead.

13          **DEPUTY COMMISSIONER MOORE:** If I may.

14          **ATTORNEY LEWIS:** I mean, if I'm lacking  
15 information please --

16          **DEPUTY COMMISSIONER MOORE:** You are.

17          **ATTORNEY LEWIS:** Okay.

18          **DEPUTY COMMISSIONER MOORE:** One, the  
19 appeal, it was not brought up on appeal. They  
20 reviewed it under the *Harvey* case. There were  
21 multiple victims and several different aspects  
22 of the plea bargain that were developed and  
23 ruled on and affirmed by the Appellate Court.  
24 This is an indeterminate sentence. On a murder  
25 you cannot receive determinate time. Any appeal  
26 on this matter should have taken place and had  
27 to be timely in 1987 or after. To bring it up

1 now is inappropriate. The sentence has been --  
2 For each of Mr. Strong's hearing dates it has  
3 been the same throughout. It would not be an  
4 appropriate time to bring up any concerns  
5 regarding that. The sentence was 15 years to  
6 life plus three years for the assault with  
7 intent to do great bodily injury on victim  
8 Jones. The remaining charges were dismissed,  
9 the remaining three charges and the  
10 enhancements.

11 **ATTORNEY LEWIS:** The reason I'm bringing  
12 it up, because, you know, I'm pretty learned  
13 when it comes to the English language. And if  
14 it says to me, a maximum term of 18 years, and I  
15 don't see life there or with enhancements, and  
16 this was the motivation for him taking the plea  
17 agreement in the first place, I thought that I  
18 was compelled to bring it up here today.  
19 Because this is a life hearing. He shouldn't  
20 even be doing life.

21 **DEPUTY COMMISSIONER MOORE:** On page 5  
22 lines 17 through 20 it indicates, "So it would  
23 be the court placed an 18 year lid on this in  
24 return for Mr. Strong's plea to second degree  
25 murder, which has been offered by the people."  
26 I think counsel, based on your experience and my  
27 experience and this panel's experience, the only

1 sentence existing in California at the time that  
2 this plea was entered is 15 to life for second  
3 degree murder. There were a number of  
4 enhancements that could have been added for  
5 weapons and multiple charges that could have  
6 been added and were not.

7 **PRESIDING COMMISSIONER INGLEE:** Let me,  
8 let me --

9 **ATTORNEY LEWIS:** I understand that but  
10 that's not what I read, Commissioner.

11 **PRESIDING COMMISSIONER INGLEE:** All  
12 right, let me. We're getting off, I believe --

13 **ATTORNEY LEWIS:** Absolutely.

14 **PRESIDING COMMISSIONER INGLEE:** -- into  
15 an area which has nothing to do with a parole  
16 hearing. Your client may have objections. He  
17 may even have a basis for an appeal. But this  
18 is not the forum for it.

19 **ATTORNEY LEWIS:** I understood that from  
20 the very beginning but I thought I'd bring it to  
21 your attention.

22 **PRESIDING COMMISSIONER INGLEE:** No,  
23 that's fine, that's fine, but we need to move  
24 ahead.

25 **ATTORNEY LEWIS:** Absolutely.

26 **PRESIDING COMMISSIONER INGLEE:** And we  
27 need to give this man a parole hearing and

1 that's what we intend to do.

2 **ATTORNEY LEWIS:** All right.

3 **PRESIDING COMMISSIONER INGLEE:** In my  
4 concern over wanting to be sure that I had the  
5 correct verbiage on here because of the nature  
6 of this crime and how many different aspects of  
7 the crime there is to review. I was given some  
8 direction by my Deputy Commissioner, which led  
9 us then into other fields of interest that go, I  
10 think, well beyond what we can or are expected  
11 to do at this hearing.

12 **ATTORNEY LEWIS:** I understand.

13 **PRESIDING COMMISSIONER INGLEE:** All  
14 right. So we're going to move on now. This  
15 hearing is being tape-recorded. And for the  
16 purpose of voice identification each of us will  
17 be required to state our first and last name,  
18 spelling our last name. When it comes to the  
19 inmate's turn you will spell your last name and  
20 state your CDC number. Starting with myself my  
21 name is Philip Inglee, that's I-N-G-L-E-E, I'm a  
22 Commissioner.

23 **DEPUTY COMMISSIONER MOORE:** Deputy  
24 Commissioner Moore, M-O-O-R-E, with the Board of  
25 Parole Hearings.

26 **ATTORNEY LEWIS:** DeJon Lewis, L-E-W-I-S,  
27 attorney for Mr. Strong.

1           **INMATE STRONG:** My name is Sylvester  
2 Strong. My number is D-99287.

3           **PRESIDING COMMISSIONER INGLEE:** And spell  
4 your last name, please.

5           **INMATE STRONG:** S-T-R-O-N-G.

6           **PRESIDING COMMISSIONER INGLEE:** All  
7 right, thank you. Mr. Strong, in front of you  
8 is an ADA statement. I'd like to have you read  
9 that if you would, please.

10          **INMATE STRONG:** "The Americans  
11 with Disabilities Act, ADA, is a  
12 law to help peoples with  
13 disabilities. Disabilities are  
14 problems that make it harder for  
15 some peoples to see, hear,  
16 breathe, talk, walk, learn, think,  
17 work, or take care of themselves  
18 than it is for others. Nobody can  
19 be kept out of public places or  
20 activities because of a  
21 disability. If a disability has  
22 -- If you have a disability you  
23 have the right to ask for help to  
24 get ready for your BPT Hearing,  
25 get to the hearing, talk, read  
26 forms and papers and understand  
27 the hearing process. The BPT will



1 look at what you ask for to make  
2 sure that you have a disability  
3 that is covered by the ADA and  
4 that you have asked for the right  
5 kind of help. If you do not get  
6 help or if you don't think you got  
7 the kind of help you need, ask for  
8 a BPT 1074 Grievance Form. You  
9 can also get help to fill it out."

10 **PRESIDING COMMISSIONER INGLEE:** Did you  
11 understand what you read?

12 **INMATE STRONG:** Yes sir.

13 **PRESIDING COMMISSIONER INGLEE:** Very  
14 good. This record reflects that you signed a  
15 BPT Form 1073. You signed that on 7/12 of 2005.  
16 At that time you said you did not need any help  
17 for your parole hearing. Is that still true  
18 today?

19 **INMATE STRONG:** Yes sir.

20 **PRESIDING COMMISSIONER INGLEE:** Do you  
21 have any problems walking up and down stairs or  
22 for a distance of 100 yards or more?

23 **INMATE STRONG:** No sir.

24 **PRESIDING COMMISSIONER INGLEE:** Do you  
25 need glasses or a magnifying glass in order to  
26 see or read documents?

27 **INMATE STRONG:** I use reading glasses.

1           **PRESIDING COMMISSIONER INGLEE:** Are they  
2 adequate for today's hearing?

3           **INMATE STRONG:** Yes sir.

4           **PRESIDING COMMISSIONER INGLEE:** Good. Do  
5 you have any hearing impairments?

6           **INMATE STRONG:** No.

7           **PRESIDING COMMISSIONER INGLEE:** Have you  
8 ever been included in the CCCMS or EOP program?

9           **INMATE STRONG:** No sir.

10          **PRESIDING COMMISSIONER INGLEE:** Are you  
11 familiar with these programs?

12          **INMATE STRONG:** I heard of them.

13          **PRESIDING COMMISSIONER INGLEE:** They are  
14 for inmates that have either emotional problems  
15 or mental illness and they will have programs  
16 specifically keyed for their benefit. Have you  
17 ever participated or been part of any program  
18 such as this?

19          **INMATE STRONG:** No sir.

20          **PRESIDING COMMISSIONER INGLEE:** Have you  
21 ever taken psychotropic medication, either in  
22 prison or on the street?

23          **INMATE STRONG:** No sir.

24          **PRESIDING COMMISSIONER INGLEE:** How far  
25 did you go in school before you arrived in  
26 prison?

27          **INMATE STRONG:** Twelfth grade.

1           **PRESIDING COMMISSIONER INGLEE:** Did you  
2 graduate?

3           **INMATE STRONG:** Yes sir. Washington  
4 Union High School.

5           **PRESIDING COMMISSIONER INGLEE:** Good.  
6 Have you taken, did you take any special  
7 education classes while you were growing up?

8           **INMATE STRONG:** No sir.

9           **PRESIDING COMMISSIONER INGLEE:** Do you  
10 suffer from any disability that would prevent  
11 you from participating in today's hearing?

12           **INMATE STRONG:** No sir.

13           **PRESIDING COMMISSIONER INGLEE:** All  
14 right. Counsel, do you have any comments or  
15 concerns regarding the ADA rights of your  
16 client?

17           **ATTORNEY LEWIS:** No I do not.

18           **PRESIDING COMMISSIONER INGLEE:** This  
19 hearing is being conducted pursuant to Penal  
20 Code Sections 3041, 3042 and the rules and  
21 regulations of the Board of Prison Terms  
22 governing parole consideration hearings for life  
23 inmates. The purpose of today's hearing is to  
24 consider your suitability for parole. In doing  
25 so we will consider the nature and number of the  
26 crimes you were committed for, your prior  
27 criminal and social history and your behavior

1 and programming since your commitment. We have  
2 had an opportunity to review your Central File  
3 and your prior hearing transcript. You'll be  
4 given the opportunity to correct or clarify the  
5 record. We will consider your progress since  
6 your commitment and since your last hearing.  
7 Your updated counselor's report and  
8 psychological report will also be considered.  
9 Any change in parole plans should be brought to  
10 our attention. We will reach a decision today  
11 and inform you whether or not we find you  
12 suitable for parole and the reasons for our  
13 decision. If you are found suitable for parole  
14 the length of your confinement will be explained  
15 to you. The hearing will be conducted in two  
16 phases. I will discuss with you the crime that  
17 you were committed for, your prior criminal and  
18 social history, your parole plans and any  
19 letters of support and opposition that may be in  
20 file. Deputy Commissioner Moore will discuss  
21 with you your progress since your commitment,  
22 your counselor's report and your psychological  
23 evaluation. Once that is concluded your  
24 attorney will be given an opportunity to ask you  
25 questions and also the Commissioners. The  
26 questions from -- I'll skip through that, we  
27 don't have a district attorney with us today.

1 Before we recess for deliberations your  
2 attorney, and you will be given an opportunity  
3 to make a final statement regarding your parole  
4 suitability. Your statement should be directed  
5 as to why you feel you are suitable for parole.  
6 We will then recess and clear the room for our  
7 deliberations. Once we have completed our  
8 deliberations we will resume the hearing and  
9 announce our decision. The California Code of  
10 Regulations states that regardless of time  
11 served a life inmate shall be found unsuitable  
12 for and denied parole if in the judgment of the  
13 panel the inmate would pose an unreasonable risk  
14 of danger to society if released from prison.  
15 You have certain rights. These rights include  
16 the right to a timely notice of this hearing,  
17 the right to review your Central File and the  
18 right to present relevant documents. Counsel,  
19 has your inmate's rights been met in this  
20 regard?

21 **ATTORNEY LEWIS:** Yes they have.

22 **PRESIDING COMMISSIONER INGLEE:** You also  
23 have the right to be heard by an impartial  
24 panel. Sir, o you have any objection to any  
25 member of this panel?

26 **INMATE STRONG:** No sir.

27 **PRESIDING COMMISSIONER INGLEE:** Counsel,

1 do you have any objections to any member of the  
2 panel?

3 **ATTORNEY LEWIS:** No.

4 **PRESIDING COMMISSIONER INGLEE:**

5 Mr. Strong, you will receive a copy of our  
6 written tentative decision today. That decision  
7 is subject to review by the Decision Review Unit  
8 and by the entire Board meeting as a body. It  
9 will become effective within 120 days. It is  
10 also subject to review by the Governor. A copy  
11 of the tentative decision and a copy of the  
12 transcript will be sent to you. As of May 1st,  
13 2004 there were major changes limiting your  
14 former rights to appeal Board decisions or  
15 actions directly to the Board. The old Board  
16 regulations were repealed. The current policy  
17 is entitled Administrative Appeals  
18 Correspondence and Grievances Concerning Board  
19 of Prison Terms Decisions. It is available in  
20 the prison library for your review. We are not  
21 here to -- You are not required to admit your  
22 offense or discuss your offense if you do not  
23 wish to do so. However, this panel does accept  
24 as true the finding of the court and you are  
25 invited to discuss the facts and circumstances  
26 of the offense if you so desire. The Board will  
27 review and consider any prior statements you

1 Before we recess for deliberations your  
2 attorney, and you will be given an opportunity  
3 to make a final statement regarding your parole  
4 suitability. Your statement should be directed  
5 as to why you feel you are suitable for parole.  
6 We will then recess and clear the room for our  
7 deliberations. Once we have completed our  
8 deliberations we will resume the hearing and  
9 announce our decision. The California Code of  
10 Regulations states that regardless of time  
11 served a life inmate shall be found unsuitable  
12 for and denied parole if in the judgment of the  
13 panel the inmate would pose an unreasonable risk  
14 of danger to society if released from prison.  
15 You have certain rights. These rights include  
16 the right to a timely notice of this hearing,  
17 the right to review your Central File and the  
18 right to present relevant documents. Counsel,  
19 has your inmate's rights been met in this  
20 regard?  
21 **ATTORNEY LEWIS:** Yes they have.  
22 **PRESIDING COMMISSIONER INGLEE:** You also  
23 have the right to be heard by an impartial  
24 panel. Sir, o you have any objection to any  
25 member of this panel?  
26 **INMATE STRONG:** No sir.  
27 **PRESIDING COMMISSIONER INGLEE:** Counsel,



1 have made regarding the offense in determining  
2 your suitability for parole. Deputy  
3 Commissioner, is there any confidential material  
4 in the file, and if so, will it be used today?

5 **DEPUTY COMMISSIONER MOORE:** There is no  
6 confidential material.

7 **PRESIDING COMMISSIONER INGLEE:** All  
8 right. I have passed a hearing checklist marked  
9 Exhibit One on to your attorney so we will all  
10 be proceeding with the same set of documents.  
11 Counsel, do you have all your documents?

12 **ATTORNEY LEWIS:** I do sir.

13 **PRESIDING COMMISSIONER INGLEE:** Okay.  
14 Are there any additional documents to be  
15 submitted?

16 **ATTORNEY LEWIS:** No.

17 **PRESIDING COMMISSIONER INGLEE:** Are there  
18 any preliminary objections?

19 **ATTORNEY LEWIS:** None.

20 **PRESIDING COMMISSIONER INGLEE:** Will the  
21 inmate be speaking to the panel?

22 **ATTORNEY LEWIS:** Yes he will be.

23 **PRESIDING COMMISSIONER INGLEE:** Will he  
24 be speaking on all subjects?

25 **INMATE STRONG:** Yes I will. As you just  
26 stated -- (alarm sounding)

27 **DEPUTY COMMISSIONER MOORE:** It's a test.

1           **PRESIDING COMMISSIONER INGLEE:** All  
2 right, go ahead. I want to be sure you're going  
3 to be on the transcript.

4           **INMATE STRONG:** Okay. As you just  
5 stated, you take the court's finding to be true,  
6 as well as I do too. There's few things that --  
7 I'll talk about the case but there might be  
8 something today that I haven't said previously  
9 that I might want to say today concerning the  
10 case.

11           **PRESIDING COMMISSIONER INGLEE:** All  
12 right. That's your option, obviously, it's your  
13 right to do so. If you have any objection or  
14 any concern just let us know. With that in mind  
15 I will swear you in now, please raise your right  
16 hand. Do you solemnly swear or affirm that the  
17 testimony you give in this hearing will be the  
18 truth, the whole truth and nothing but the  
19 truth?

20           **INMATE STRONG:** Yes sir I do.

21           **PRESIDING COMMISSIONER INGLEE:** Thank  
22 you. Counsel, if there is no objection we will  
23 incorporate by reference the Statement of Fact.  
24 And that is going to come not from the Appellate  
25 Decision, because that is a very poor rendering  
26 of the Statement of Fact. I am going to use the  
27 probation officer's report pages two through

1 five.

2 **ATTORNEY LEWIS:** That will be fine.

3 **PRESIDING COMMISSIONER INGLEE:** That ✓  
4 gives a complete rendering of the situation.  
5 All right, Mr. Strong.

6 **INMATE STRONG:** Yes sir.

7 **PRESIDING COMMISSIONER INGLEE:** Tell us  
8 what happened.

9 **INMATE STRONG:** On December the 10th,  
10 1987 I went to my wife's house, Diana Strong,  
11 and I forced my way in. I didn't have no  
12 business being there because we was going  
13 through a divorce. In short, I ended up, she  
14 ended up getting stabbed and she lost her life  
15 by the cost of my hands.

16 **PRESIDING COMMISSIONER INGLEE:** Okay.  
17 You made it sound almost like a third person. ✓  
18 But you are, you are saying you were the  
19 responsible party.

20 **INMATE STRONG:** Yes sir.

21 **PRESIDING COMMISSIONER INGLEE:** In her  
22 death.

23 **INMATE STRONG:** Yes sir.

24 **PRESIDING COMMISSIONER INGLEE:** All  
25 right. All right. How do you feel about it?

26 **INMATE STRONG:** I was with Diana from the  
27 time she was 19 to the time she was 30. We had

1 a good lifestyle. We had a good lifestyle. We  
2 had, I guess what you would say what the  
3 American Dream was, the house, the cars, good  
4 jobs. And somewhere along the line I guess I  
5 got too confident in myself and I started using  
6 cocaine. And that was -- That started the  
7 destruction of our family right there by me  
8 using cocaine. And everything after that just  
9 went to the waysides as far as I was concerned.  
10 I lost -- Now that I look back, I lost self-  
11 respect for myself. I just got caught up in it.

12 **PRESIDING COMMISSIONER INGLEE:** Can you  
13 tell us about the actual killing? I mean, I  
14 know that you've already said you stabbed her  
15 and she died from that action.

16 **INMATE STRONG:** Right.

17 **PRESIDING COMMISSIONER INGLEE:** But can  
18 you tell us about what actually happened that  
19 day.

20 **INMATE STRONG:** Well previously I had  
21 called her and we was talking on the phone. And  
22 we was going through a divorce and there was a  
23 property settlement. I was waiting for my  
24 property settlement from her. So when I talked  
25 to her I asked her about it. And somehow it got  
26 twisted around it was about money. But in fact  
27 I hadn't been at -- I was living with my mother

1 for two months and me and her had been talking  
2 on the phone prior to that. And that day,  
3 December the 10th of '87 she came over to my  
4 mother's house and dropped off the insurance  
5 policy. And I found that she was over there and  
6 I called her and I told her I was coming over.  
7 When I went over there I saw the gardener's  
8 truck there. And I knocked on the door and they  
9 wouldn't let me in and I kicked the door in and  
10 I went in.

11 **PRESIDING COMMISSIONER INGLEE:** Stop and  
12 hold your thought for a second. Did you have a  
13 knife with you at the time?

14 **INMATE STRONG:** That's Mr. Jones version  
15 and that's what I said I wanted to discuss  
16 today. Because I agreed to that based upon the  
17 DA telling me about the plea bargain. But in  
18 fact that knife came off the refrigerator. I  
19 never had the knife when entering the house.  
20 And I never had the courage to say it in front  
21 of the Board until today because it just keep on  
22 -- My understanding when I took the plea  
23 bargain, that I wouldn't have a life sentence.  
24 I know I pleaded guilty to second-degree murder  
25 but in return they told me they put an 18 year  
26 lid on it. And so I keep finding out after  
27 hearing after hearing, they keep telling me I

1 have 18 to life. Today I have the courage to  
2 say that that was the DA's version. I never had  
3 a chance to tell my -- I never was put on the  
4 witness stand and told my version. That was  
5 Mr. Jones' version about me coming through the  
6 door with the knife.

7 **PRESIDING COMMISSIONER INGLEE:** This is  
8 the gardener?

9 **INMATE STRONG:** Yes sir.

10 **PRESIDING COMMISSIONER INGLEE:** Let me  
11 ask you a question. You've been in prison for a  
12 long time.

13 **INMATE STRONG:** I know.

14 **PRESIDING COMMISSIONER INGLEE:** You're  
15 heard -- These discussions have gone on from the  
16 moment you, when the case was over, when your  
17 trial was over.

18 **INMATE STRONG:** I never went to trial,  
19 sir.

20 **ATTORNEY LEWIS:** He took a plea.

21 **PRESIDING COMMISSIONER INGLEE:** You took  
22 a -- I'm sorry. But there was adjudication  
23 though. I mean, you heard what you were being  
24 charged with.

25 **INMATE STRONG:** Yeah, but at that time I  
26 was --

27 **PRESIDING COMMISSIONER INGLEE:** That's

1 what I'm referring to.

2 **INMATE STRONG:** Yeah. At that time I  
3 was, at that time I wasn't in the right state of  
4 mind. And what the counselor, my counselor,  
5 whatever he told me I went along with and I  
6 believed him. But then as I said, each time I  
7 keep coming to these hearings and I keep hearing  
8 18 to life, that wasn't the term that I pleaded  
9 to.

10 **PRESIDING COMMISSIONER INGLEE:** But you  
11 have had all these years where this has been  
12 used. Have you appealed this?

13 **INMATE STRONG:** Appealed it no, I'm  
14 telling you now.

15 **PRESIDING COMMISSIONER INGLEE:** Well this  
16 is not, we're not the appeal process.

17 **INMATE STRONG:** Right, right.

18 **PRESIDING COMMISSIONER INGLEE:** I don't  
19 mind you saying it.

20 **INMATE STRONG:** Yeah, yeah.

21 **PRESIDING COMMISSIONER INGLEE:** I  
22 sincerely don't mind you saying it. But we are  
23 not the forum to necessarily get that turned  
24 around.

25 **INMATE STRONG:** I understand that. But I  
26 haven't even had the courage to say it in here.

27 **PRESIDING COMMISSIONER INGLEE:** I don't



1 understand, the courage. You seem like a rather  
2 -- You seem like a man who would speak his mind.

3 **INMATE STRONG:** Yeah, to a degree. But I  
4 never have. I just went along with the flow.  
5 And that's the only discrepancy I have in the  
6 statement.

7 **PRESIDING COMMISSIONER INGLEE:** Well your  
8 minimum eligible parole date is 1999.

9 **INMATE STRONG:** Yes it was.

10 **PRESIDING COMMISSIONER INGLEE:** That in  
11 itself is not necessarily all end all but it at  
12 least gives you a marker. But when 1999 rolled  
13 past and things kept on going on did it not  
14 occur to you at the time that something was  
15 amiss?

16 **INMATE STRONG:** Oh yes it did. But  
17 again, I just, I didn't have the courage to say  
18 it in front of, in here or nowhere. I just  
19 didn't.

20 **PRESIDING COMMISSIONER INGLEE:** Okay, go  
21 ahead. So you came in. And what you're telling  
22 us today is that you took a knife off the  
23 refrigerator.

24 **INMATE STRONG:** Yes sir, that's where the  
25 weapon came from, the refrigerator. When I  
26 first entered the house. Like I say, when I  
27 entered the house I asked Mr. Jones, was he in

1 there, excuse me ma'am, are you in there fucking  
2 my wife?

3 **PRESIDING COMMISSIONER INGLEE:** Whatever  
4 you have to say here to explain what really  
5 happened.

6 **INMATE STRONG:** Yeah, yeah.

7 **PRESIDING COMMISSIONER INGLEE:** You're  
8 not going to be hurting anyone's feelings, I can  
9 assure you.

10 **INMATE STRONG:** Okay. And he said --

11 **PRESIDING COMMISSIONER INGLEE:** I can't  
12 speak for you but I'm sure that's the case.

13 **INMATE STRONG:** And he said, he said he  
14 wasn't so I asked him to leave. So I stood up  
15 in front of the refrigerator. As he passed me  
16 Mr. Jones struck me and I went down. When I  
17 went down and I came back up, that's when I  
18 reached up on top of the refrigerator and  
19 grabbed the knife.

20 **PRESIDING COMMISSIONER INGLEE:** How large  
21 a man was Mr. Jones?

22 **INMATE STRONG:** He was a little larger  
23 than I was, you know. And that's when the  
24 struggle started.

25 **PRESIDING COMMISSIONER INGLEE:** Well,  
26 you're right. I'll read through the summary of  
27 the crime, and this is a short summary. It

1 states down here:

2 "Sylvester knocked at the door.  
3 Diane would not open the door  
4 because she had a restraining  
5 order and Sylvester wasn't  
6 supposed to be on the premises.  
7 Sylvester became upset and broke  
8 down the front door, broke the  
9 front door open. He had a knife  
10 in his right hand."

11 Mr. Jones said the prisoner accused him of going  
12 with his wife and said:

13 "Bitch, I'm going to kill you.  
14 Diane took off running but  
15 Sylvester grabbed her with the  
16 left hand and started hitting her  
17 with his right hand with the knife  
18 still in his hand."

19 At that point Mr. Jones started to leave. So ✓  
20 what's written down here is basically what  
21 you're refuting at this time, is that correct?

22 **INMATE STRONG:** The only thing I'm  
23 refuting is that I came through the door with  
24 the knife.

25 **PRESIDING COMMISSIONER INGLEE:** Well it  
26 doesn't indicate down here that you possibly had  
27 to defend yourself. There's a reason why you

1 took the knife off the -- If in fact you took  
2 the knife off the refrigerator.

3 **INMATE STRONG:** Yes sir.

4 **PRESIDING COMMISSIONER INGLEE:** Did you ✓  
5 mean to use it on Mr. Jones or did you truly  
6 mean to murder your wife?

7 **INMATE STRONG:** Mr. Jones was the  
8 culprit. The person I was after was Mr. Jones. ✓

9 **PRESIDING COMMISSIONER INGLEE:** But you  
10 seemed to miss Mr. Jones and brutally murdered ✓  
11 your wife. I'm not trying to make you feel any  
12 worse than you're feeling today I'm sure, but  
13 that's the point.

14 **INMATE STRONG:** But see, but see, as I  
15 just stated earlier, that was the, that was  
16 Mr. Jones' statement. I never had a chance and  
17 I never did tell nobody other than my attorney  
18 what actually happened.

19 **PRESIDING COMMISSIONER INGLEE:** Because  
20 of the plea, the plea agreement.

21 **INMATE STRONG:** Yes sir. And that was  
22 part of the plea bargain agreement from the DA,  
23 to tell his version and I agree to it. But I  
24 never told nobody my version of how it happened  
25 other than my attorney.

26 **PRESIDING COMMISSIONER INGLEE:** Well you ✓  
27 have mentioned the fact in your previous version

1 down here. You tell it.

2 **INMATE STRONG:** But it's --

3 **PRESIDING COMMISSIONER INGLEE:** In the  
4 prisoner's version, and I'm only reading a  
5 portion of it.

6 **DEPUTY COMMISSIONER MOORE:** On the Board  
7 Report.

8 **PRESIDING COMMISSIONER INGLEE:** This is  
9 on page two.

10 **DEPUTY COMMISSIONER MOORE:** I think he  
11 was asking which Board Report.

12 **PRESIDING COMMISSIONER INGLEE:** I'm  
13 sorry?

14 **DEPUTY COMMISSIONER MOORE:** I think  
15 Mr. Strong was inquiring as to which document  
16 you're referring to, the Board Report.

17 **PRESIDING COMMISSIONER INGLEE:** This is  
18 the October, no more than that. It's the only  
19 other full Board Report I have right now that  
20 has the complete, has a complete history in  
21 here. And that is the report of, the Board  
22 Report of 2004.

23 **DEPUTY COMMISSIONER MOORE:** October 2004?

24 **PRESIDING COMMISSIONER INGLEE:** Which  
25 goes back a couple of years. You say in this  
26 regard:

27 "Sylvester says he went to his

1           wife's home in hopes of talking to  
2           her about reconciliation. He did  
3           not have a knife when he got  
4           there."

5       So you apparently have already told somebody  
6       this.

7           "When he broke the door down he  
8           saw Mr. Jones and said, are you  
9           fucking my wife? Strong then told  
10          Jones to leave. As Mr. Jones was  
11          leaving he hit strong and knocked  
12          him down. Strong got up and took  
13          the knife from above the  
14          refrigerator. Jones and Strong  
15          were struggling in the entryway at  
16          the time Diana ran up and was  
17          stabbed in the neck. Mr. Jones  
18          ran to his truck and left. Strong  
19          got a pillow for her head, opened  
20          her blouse to check her wound and  
21          called 911."

22       That's essentially what you're saying you have  
23       not said to anybody but here it is in writing.

24               **INMATE STRONG:** Well, like I said, it had  
25       been a number of years.

26               **PRESIDING COMMISSIONER INGLEE:** Well it  
27       was two years ago that you apparently -- Two

1 years, possibly a little longer than that. But  
2 in that time period you apparently told your  
3 counselor that because it's here.

4 **INMATE STRONG:** But I never told the  
5 Board that.

6 **PRESIDING COMMISSIONER INGLEE:** Well you  
7 meant to in 2004, apparently, because this is,  
8 this is the document that the last hearing group  
9 would have looked at. The reason why I'm  
10 reading it is because they haven't brought all  
11 the facts forward into the new, into the updated  
12 Board Report, which is the November 2005. What  
13 they're saying under the summary of the crime is  
14 it remains the same as stated in the previous  
15 hearing. So I have to go back and refer to a  
16 previous hearing in this regard. And that's the  
17 last previous hearing. And in fact, as I said  
18 -- So anyway, I don't carry this beyond what we  
19 need to. But it seems to me you have already  
20 told people of this in the past. All right.  
21 Okay, well we have two stories. We have the  
22 story that came out of your plea bargain and  
23 then we have a subsequent story that you  
24 apparently had told at least two years ago and  
25 again today. Counsel, is there anything you  
26 want to say about this?

27 **INMATE STRONG:** No.



1           **PRESIDING COMMISSIONER INGLEE:** All  
2 right. Anything else about the actual murder?  
3 How many times was your wife stabbed?

4           **INMATE STRONG:** My understanding, once.  
5 But what do they call it --

6           **ATTORNEY LEWIS:** The autopsy?

7           **INMATE STRONG:** The autopsy indicated  
8 more.

9           **PRESIDING COMMISSIONER INGLEE:** I was  
10 going to say, it's quite a bit. Okay, I'll just  
11 read the -- I didn't have it tabbed but I just  
12 found it.

13           "The Fresno County coroner's post-  
14 mortem record indicates that  
15 victim Diana Strong suffered a  
16 stab wound from the back through  
17 to the palm of her left hand. The  
18 victim's left thumb had a quarter-  
19 inch deep incision wound. A stab  
20 wound was located one inch to the  
21 right midline of the neck. The  
22 stab wound extended through the  
23 right arterial jugular vein and  
24 cut the --"

25 I'll have to spell it.

26           "-- A-Z-Y-G-O-U-S vein. The  
27 direction of the wound is from the

1 upper rear to a 30 degree downward  
2 angle. The stab wound was  
3 estimated to be two and a half  
4 inches. Victim Diana strong was  
5 pronounced dead at Valley Hospital  
6 by Dr. Michael Solomon. The cause  
7 of death is recorded as himeric  
8 (phonetic) shock due to a stab  
9 wound of the neck and chest."

10 Okay, anything else sir? I know these are not  
11 easy things to talk about, I understand. Okay,  
12 let's take a look at your prior criminal record.

13 **DEPUTY COMMISSIONER MOORE:** I have some  
14 questions about the offense.

15 **PRESIDING COMMISSIONER INGLEE:**  
16 Certainly. Let's go to the Deputy Commissioner  
17 and she has some questions for you.

18 **DEPUTY COMMISSIONER MOORE:** Were you  
19 under the influence of cocaine on December 10th?

20 **INMATE STRONG:** Yes ma'am I was.

21 **DEPUTY COMMISSIONER MOORE:** When had you  
22 used it?

23 **INMATE STRONG:** When?

24 **DEPUTY COMMISSIONER MOORE:** Uh-hmm.

25 **INMATE STRONG:** During that course of  
26 that day.

27 **DEPUTY COMMISSIONER MOORE:** What time of

1 day did the stabbing and murder occur?

2 **INMATE STRONG:** I believe around 6:30.

3 **DEPUTY COMMISSIONER MOORE:** Were you  
4 smoking it, snorting it or shooting it?

5 **INMATE STRONG:** I was, I was smoking it.

6 **DEPUTY COMMISSIONER MOORE:** Rock or  
7 powder?

8 **INMATE STRONG:** Rock.

9 **DEPUTY COMMISSIONER MOORE:** And how long  
10 had you been using cocaine prior to this event?

11 **INMATE STRONG:** About ten months.

12 **DEPUTY COMMISSIONER MOORE:** And there  
13 were a number of other incidents in the month  
14 prior to the murder, isn't that correct?

15 **INMATE STRONG:** Yes ma'am it is.

16 **DEPUTY COMMISSIONER MOORE:** Violent,  
17 involving violence?

18 **INMATE STRONG:** Yes ma'am.

19 **DEPUTY COMMISSIONER MOORE:** Was anyone on  
20 your case, you know, about the cocaine prior to  
21 the day of the murder?

22 **INMATE STRONG:** Anyone like who, ma'am?

23 **DEPUTY COMMISSIONER MOORE:** Anyone.

24 **INMATE STRONG:** Yes, I had -- You know, I  
25 look back. I had peoples telling me that I need  
26 to put myself in check and I didn't hear them.

27 **DEPUTY COMMISSIONER MOORE:** Were you

1 still employed by the City of Fresno when this  
2 happened on December 10th?

3 **INMATE STRONG:** No, I had -- No I wasn't.

4 **DEPUTY COMMISSIONER MOORE:** How come you  
5 weren't still employed?

6 **INMATE STRONG:** I wasn't able to function  
7 in my duties at work.

8 **DEPUTY COMMISSIONER MOORE:** Were you  
9 fired?

10 **INMATE STRONG:** No, I just left.

11 **DEPUTY COMMISSIONER MOORE:** When did you  
12 quit work, about?

13 **INMATE STRONG:** I can tell you. I left  
14 October the 15th, 1987.

15 **DEPUTY COMMISSIONER MOORE:** And then  
16 what, after six or seven years as a city  
17 employee?

18 **INMATE STRONG:** Eight.

19 **DEPUTY COMMISSIONER MOORE:** Eight years.  
20 So when you arrived at the house, your wife's  
21 house, there was a restraining order in place?

22 **INMATE STRONG:** Yes ma'am.

23 **DEPUTY COMMISSIONER MOORE:** And how long  
24 had that restraining order been in place?

25 **INMATE STRONG:** Probably within maybe  
26 three months.

27 **DEPUTY COMMISSIONER MOORE:** About the

1 same time you quit work.

2 **INMATE STRONG:** Yes ma'am.

3 **DEPUTY COMMISSIONER MOORE:** Things were  
4 escalating quickly.

5 **INMATE STRONG:** Yes.

6 **DEPUTY COMMISSIONER MOORE:** And the ✓  
7 restraining order told you to not do what?

8 **INMATE STRONG:** I wasn't allowed to be on  
9 the premises.

10 **DEPUTY COMMISSIONER MOORE:** What else?  
11 And contact?

12 **INMATE STRONG:** That's being on the  
13 premises.

14 **DEPUTY COMMISSIONER MOORE:** How about  
15 telephonic contact? Were you allowed --

16 **INMATE STRONG:** No, they didn't. To my  
17 understanding, I can't quite say but we talked  
18 on the phone, you know.

19 **DEPUTY COMMISSIONER MOORE:** What is it  
20 you were so angry about that you kicked the door  
21 in?

22 **INMATE STRONG:** Because there was another ✓  
23 man inside the welding (sic) that I once lived  
24 in and she wouldn't open the door and let me in.

25 **DEPUTY COMMISSIONER MOORE:** And why  
26 wouldn't she open the door?

27 **INMATE STRONG:** Because I had a

1    restraining order, I wasn't supposed to be  
2    there.

3  
4           **DEPUTY COMMISSIONER MOORE:**   And how many  
5    times had you laid hands on her before?

6           **INMATE STRONG:**   Whatever the record said.  
7    It was at least three or four different  
8    incidents that I had spousal abuse on Diana  
9    Strong.

10          **DEPUTY COMMISSIONER MOORE:**   Did your  
11    daughter Monique (phonetic) --

12          **INMATE STRONG:**   My son.   No, Monique --

13          **DEPUTY COMMISSIONER MOORE:**   Did your  
14    daughter Monique live with you and Mrs. Strong?

15          **INMATE STRONG:**   No, Monique no.   She  
16    didn't live with me.   The only one that was  
17    living there was Sylvester Junior.

18          **DEPUTY COMMISSIONER MOORE:**   Monique is  
19    younger than Sylvester?

20          **INMATE STRONG:**   She's older.

21          **DEPUTY COMMISSIONER MOORE:**   Older.

22          **INMATE STRONG:**   They made a mistake on  
23    that.

24          **DEPUTY COMMISSIONER MOORE:**   Okay.   And  
25    when you broke through the door was Sylvester at  
26    home?

27          **INMATE STRONG:**   No he wasn't.

1           **DEPUTY COMMISSIONER MOORE:** Does he go by  
2 Junior?

3           **INMATE STRONG:** Yes.

4           **DEPUTY COMMISSIONER MOORE:** Where was he?

5           **INMATE STRONG:** With his aunt Sarah.

6           **DEPUTY COMMISSIONER MOORE:** How angry --  
7 Describe to us how angry you were when you  
8 busted through the door.

9           **INMATE STRONG:** I was really pissed off  
10 to the fact that she wouldn't open the door and  
11 there was another man in there. And we had been  
12 talking on the phone for like two months, you  
13 know.

14           **DEPUTY COMMISSIONER MOORE:** What did that  
15 mean to you?

16           **INMATE STRONG:** I was under -- When I was  
17 under the influence, you know. Under the  
18 influence all kinds of crazy things. I'm  
19 thinking they might be in there engaging into  
20 some sexual act. You know, everything that's  
21 unimaginable was coming through once she, once  
22 they wouldn't open the door, the door wasn't  
23 opened.

24           **DEPUTY COMMISSIONER MOORE:** Did you think  
25 you still had control or rights to control her?

26           **INMATE STRONG:** I didn't have no rights.  
27 I didn't even have the right to be there. ✓



1           **DEPUTY COMMISSIONER MOORE:** Today you say  
2 that. I'm talking about December 10, 1987.

3           **INMATE STRONG:** I didn't know it, no. I  
4 didn't know what I was thinking at that time.

5           **DEPUTY COMMISSIONER MOORE:** On the other  
6 dates that you assaulted your wife were you  
7 under the influence of cocaine?

8           **INMATE STRONG:** Yes ma'am.

9           **DEPUTY COMMISSIONER MOORE:** And today you  
10 indicate that you did not go into the house with  
11 the knife. In October of '04 when you spoke to  
12 CC-I correctional counselor Hilliard (phonetic).  
13 Does that name sound familiar to you?

14           **INMATE STRONG:** Yes.

15           **DEPUTY COMMISSIONER MOORE:** CC-I Hilliard  
16 wrote down your statement that you did not come  
17 in with a knife. That you went and got it over  
18 the refrigerator.

19           **INMATE STRONG:** Yes ma'am.

20           **DEPUTY COMMISSIONER MOORE:** How did you  
21 -- Were there knives stored on top of the  
22 refrigerator?

23           **INMATE STRONG:** We had a chop -- On top  
24 of the refrigerator we had a chopping block.  
25 And it was right over the top of the freezer and  
26 it just sat up there. Once I was struck -- I  
27 know it was there and I just stood up and

1 reached up. Unfortunately I grabbed the longest  
2 one in the block.

3 **PRESIDING COMMISSIONER INGLEE:** These are  
4 knives that are in a wooden --

5 **INMATE STRONG:** Yes sir.

6 **PRESIDING COMMISSIONER INGLEE:** I  
7 understand.

8 **DEPUTY COMMISSIONER MOORE:** So how is it ✓  
9 that Mr. Jones struck you? Where is it? What  
10 did he do?

11 **INMATE STRONG:** When I -- I was standing ✓  
12 by the refrigerator and I asked him to leave.  
13 And as he was leaving --

14 **DEPUTY COMMISSIONER MOORE:** Did you ask  
15 him to leave?

16 **INMATE STRONG:** Yeah, I told him to get  
17 the fuck out.

18 **DEPUTY COMMISSIONER MOORE:** That's not  
19 asking.

20 **INMATE STRONG:** Well.

21 **DEPUTY COMMISSIONER MOORE:** That's  
22 telling.

23 **INMATE STRONG:** Well, yes.

24 **DEPUTY COMMISSIONER MOORE:** Okay.

25 **PRESIDING COMMISSIONER INGLEE:** It  
26 wouldn't cause any confusion with me if you had  
27 done that.

1           **ATTORNEY LEWIS:** Clear as a bell.

2           **DEPUTY COMMISSIONER MOORE:** So you told  
3 him to get out.

4           **INMATE STRONG:** Yes ma'am.

5           **DEPUTY COMMISSIONER MOORE:** And what  
6 happened?

7           **INMATE STRONG:** He walked by me. As he  
8 walked by he and he turned back he struck me.

9           **DEPUTY COMMISSIONER MOORE:** Tell me what  
10 that means. Did he tap you on the shoulder,  
11 forehead, what?

12           **INMATE STRONG:** No, he hit me in my face.

13           **DEPUTY COMMISSIONER MOORE:** With what?

14           **INMATE STRONG:** With his face.

15           **DEPUTY COMMISSIONER MOORE:** And what  
16 happened to you?

17           **INMATE STRONG:** I went down.

18           **DEPUTY COMMISSIONER MOORE:** To the  
19 ground?

20           **INMATE STRONG:** In the kitchen, in the  
21 kitchen. We was in the kitchen area in front of  
22 the refrigerator, I went down. When I went down  
23 I stood back up. When I stood back up I just  
24 reached straight up and grabbed the knife.

25           **DEPUTY COMMISSIONER MOORE:** And where was  
26 Mr. Jones when you reached for the knife?

27           **INMATE STRONG:** Headed for the front

1           **INMATE STRONG:** He became a gang member.

2           **DEPUTY COMMISSIONER MOORE:** Here in  
3 Fresno?

4           **INMATE STRONG:** Yes.

5           **DEPUTY COMMISSIONER MOORE:** Which gang?

6           **INMATE STRONG:** From my understanding  
7 they call theyself (sic) a Deuce Diamond Crip.

8           **DEPUTY COMMISSIONER MOORE:** At 11 years  
9 old?

10          **INMATE STRONG:** He was getting into it  
11 the last time I saw him. I recognized his  
12 little outfit that he had on and we talked about  
13 it. After that he --

14          **DEPUTY COMMISSIONER MOORE:** So you  
15 haven't had contact with him? He's 23 now?

16          **INMATE STRONG:** Yeah, he'll be 23 July  
17 the 1st.

18          **DEPUTY COMMISSIONER MOORE:** Have you seen  
19 him since?

20          **INMATE STRONG:** You know, I don't want to  
21 talk about Sylvester but I will say this.  
22 Sylvester is off the track right now. Sylvester  
23 is incarcerated as well.

24          **DEPUTY COMMISSIONER MOORE:** Locally or in  
25 the state prison?

26          **INMATE STRONG:** In the state prison.

27          **DEPUTY COMMISSIONER MOORE:** Have you

1 attempted to try -- Drugs part of his life?

2           **INMATE STRONG:** Truthfully, all I know,  
3 he was involved in gangs. I don't know. But I  
4 keep in contact with Sylvester through his  
5 grandmother Ruby, Diana's mother. I correspond  
6 with Sylvester right now. We write, you know.  
7 I always write him. But I lost, I lost control  
8 of him at 11, you know. In fact, that was the  
9 last time I kissed him on the cheek and he told  
10 me I couldn't do that no more.

11           **DEPUTY COMMISSIONER MOORE:** Some pretty  
12 serious consequences for taking the life of his  
13 mother.

14           **INMATE STRONG:** Yes. And that I can  
15 never change and that's something I have to live  
16 with the rest of my life.

17           **DEPUTY COMMISSIONER MOORE:** So coming  
18 back to NA. Has it been recommended to you that  
19 you work the steps?

20           **INMATE STRONG:** They tell us to work them  
21 as we need them, you know.

22           **DEPUTY COMMISSIONER MOORE:** What sort of  
23 literature have you read in NA?

24           **INMATE STRONG:** The literature that they  
25 offer us in there, you know. They have little  
26 pamphlets and stuff.

27           **DEPUTY COMMISSIONER MOORE:** Have you ever

1 read the book that AA uses called Alcoholics  
2 Anonymous?

3 **INMATE STRONG:** We have sessions in NA  
4 that we take turns reading out the book.

5 **DEPUTY COMMISSIONER MOORE:** The big book?

6 **INMATE STRONG:** Yeah, the big blue book.

7 **DEPUTY COMMISSIONER MOORE:** And have you  
8 over obtained a copy of that for yourself?

9 **INMATE STRONG:** No, when we go in there  
10 we read it out. They just have a couple of them  
11 and they just pass them around within the  
12 meeting.

13 **DEPUTY COMMISSIONER MOORE:** What does  
14 that book recommend? That's pretty much the  
15 bible of recovery, isn't it?

16 **INMATE STRONG:** The thing is, my theory  
17 is it's just, it's two things. You're going to  
18 use or you're not going to use, you know. And  
19 you find ways to -- It takes time to find out  
20 how not to use and why you use and all that.  
21 But we read the book.

22 **DEPUTY COMMISSIONER MOORE:** Okay.  
23 There's some other things that you've completed  
24 since your last hearing. The community reentry  
25 video and discussion occurred. Also anger  
26 management class in July of '05.

27 **INMATE STRONG:** Yes.

1           **DEPUTY COMMISSIONER MOORE:** And there was  
2 a tobacco awareness program that you also went  
3 through in January of '06. And I do want to,  
4 even though it was prior to your last hearing,  
5 in August of '02 you participated in a 13-week  
6 IMPACT program.

7           **INMATE STRONG:** Yes ma'am.

8           **DEPUTY COMMISSIONER MOORE:** What did you  
9 get from that?

10          **INMATE STRONG:** With IMPACT?

11          **DEPUTY COMMISSIONER MOORE:** Uh-hmm.

12          **INMATE STRONG:** That was a real awesome  
13 class. We had various topics. I mean, from  
14 domestic violence to gangs to murder. It was a  
15 very interesting class that Captain Garrett  
16 (phonetic) here at CTF was the sponsor of it.

17          **DEPUTY COMMISSIONER MOORE:** And you  
18 learned about your impact on what, your  
19 behavior?

20          **INMATE STRONG:** Basically when I went to  
21 the IMPACT class was to try to get some  
22 understanding on domestic violence.

23          **DEPUTY COMMISSIONER MOORE:** Did you?

24          **INMATE STRONG:** Yes.

25          **DEPUTY COMMISSIONER MOORE:** What did you  
26 learn?

27          **INMATE STRONG:** That I cannot control no



1 person but myself. That if my wife Gloria today  
2 tell me she don't want to be with me, I have to  
3 respect that. I can't make her do something  
4 that she don't want to do. She's a grown  
5 person.

6 **DEPUTY COMMISSIONER MOORE:** Does Gloria  
7 know about your history?

8 **INMATE STRONG:** Gloria, in fact, was  
9 working at the hospital. Yeah, she know about  
10 it, she know the whole case.

11 **DEPUTY COMMISSIONER MOORE:** Okay. We  
12 also have a laudatory chrono, which you spoke  
13 about earlier, and that was written by CC-I  
14 Palmer in September of '05 in which you  
15 participated with other inmates in making a  
16 financial donation for the victims of the  
17 Katrina Hurricane in the Louisiana/Mississippi  
18 area.

19 **INMATE STRONG:** Yes I did.

20 **DEPUTY COMMISSIONER MOORE:** Good  
21 community service. I'm going to move on now.  
22 Is there anything else you want to tell me about  
23 programming, laudatory chronos, work, academics,  
24 anything that I've missed or overlooked?

25 **INMATE STRONG:** You covered everything  
26 other than since the last Board Hearing I just  
27 received seven laudatory chronos, which you

1 mentioned.

2 **DEPUTY COMMISSIONER MOORE:** Okay. Yes,  
3 all for attendance at NA and AA. Consistent  
4 without a break, I would note.

5 **INMATE STRONG:** Yeah.

6 **DEPUTY COMMISSIONER MOORE:** Okay. Your  
7 disciplinary history involves two 115s that  
8 occurred in '93, excuse me. One for disruptive  
9 -- Both in September of '93. Disruptive  
10 behavior and threatening staff. About following  
11 the rules. Not wanting to follow the rules and  
12 getting your back up in a loud way would  
13 probably be the best way to characterize that.

14 **INMATE STRONG:** Yes ma'am.

15 **DEPUTY COMMISSIONER MOORE:** The 128s, you  
16 had six of them total and the last one was in  
17 October of '99. Again about getting your back  
18 up. Loud and disrespectful to staff. Wanting  
19 to control your world is how I would  
20 characterize them. And the last one was in  
21 October of '99. And that's -- So nothing in the  
22 past almost seven years, six-and-a-half years in  
23 that respect and nothing for twelve-and-a-half  
24 years as far as a 115. You've been clear. And  
25 with no violence involved in any of them, any of  
26 the write-ups. Anything else that I need to  
27 cover before I go to your psychological report?

1           **INMATE STRONG:** No, that's basically  
2 about everything.

3           **DEPUTY COMMISSIONER MOORE:** Okay. The  
4 psychological evaluation I'm going to review is  
5 dated October 11, 2004. Is that yours, the one  
6 you have, counsel?

7           **ATTORNEY LEWIS:** Yes it is.

8           **DEPUTY COMMISSIONER MOORE:** And it is  
9 entitled the psychological evaluation and it's  
10 written by Dr. Sexton, S-E-X-T-O-N, consulting  
11 psychologist, and Senior Supervising  
12 Psychologist, Zika, Z-I-K-A. They indicate that  
13 there was an interview of you for about two  
14 hours that lasted -- In October of '04. Do you  
15 recall that?

16           **INMATE STRONG:** Yes ma'am I do.

17           **DEPUTY COMMISSIONER MOORE:** Okay. They  
18 reviewed all of your records as well. They  
19 found -- They reviewed your criminal history as  
20 we've done here. They also reviewed the 115s  
21 and noted the '93, the two incidents in '93. In  
22 the question about the commitment offense you  
23 discussed your substance abuse, the relationship  
24 with your wife, your feelings of abandonment at  
25 great length. It was clear to the doctor that  
26 you had a deep understanding of the underlying  
27 causes for the offense and through numerous

1 courses that you've taken while incarcerated  
2 have learned alternative behaviors. And your  
3 remorse appeared to the doctor to be genuine and  
4 heartfelt. You indicated that you continue to  
5 be in communication with the victim's family.  
6 That although you've remarried the victim's  
7 mother, I think you referred to her as Ruby.

8 **INMATE STRONG:** Yes ma'am, Ruby Pinson.

9 **DEPUTY COMMISSIONER MOORE:** Continues to  
10 be your mother-in-law and you are in contact  
11 with her. That she has forgiven you for the  
12 offense and it appears to the doctor that her  
13 forgiveness is very important to you.

14 **INMATE STRONG:** Yes it was.

15 **DEPUTY COMMISSIONER MOORE:** There were  
16 some brief psychiatric contacts while you were  
17 incarcerated, mostly for self-referrals for  
18 depression. One time you were placed on  
19 Vistaril, V-I-S-T-A-R-I-L. You're currently not  
20 taking any medication and it doesn't appear to  
21 have any lasting -- You do not appear to have  
22 any current issues regarding depression or  
23 anything like that. They do make note that it  
24 seems to be at about the time after a Board  
25 Hearing or just before a Board Hearing that you  
26 self-referred.

27 **INMATE STRONG:** Yes ma'am it was.

1           **DEPUTY COMMISSIONER MOORE:** Okay.  
2 Consistent with previous reports there is no  
3 evidence that you've ever experienced psychotic  
4 symptoms or significant mood disorders. You are  
5 clear, well spoken and articulate. Your  
6 intellectual functioning appears to be in the  
7 average range. Under diagnostic impressions  
8 there were no diagnoses determined to be present  
9 other than being a life prisoner. They indicate  
10 your GAF score is at 85. The doctor does say  
11 that your diagnosis has changed from previous  
12 reports in his opinion. In the past there was a  
13 label of adult antisocial behavior. The doctor  
14 states that there is no indication of that at  
15 this time and that the diagnosis has been  
16 removed from his clinical impressions of you.  
17 It's clear that you've chosen not to abuse  
18 cocaine. Not because you don't have the  
19 availability, because you don't wish to have  
20 used it. And as a result the substance abuse,  
21 poly-substance abuse has been dropped from your  
22 diagnosis as well. I might also offer the  
23 opinion that sometimes that can be as a result  
24 of institutional remission of the abuse because  
25 of institutional, you know, incarceration. But  
26 as you've stated, you can come by it while  
27 you're inside.

1           **INMATE STRONG:** Very easily.

2           **DEPUTY COMMISSIONER MOORE:** Yeah. Refers  
3 to 35 chronos for self-help programs. And this  
4 was in '04, you've only added to that number.  
5 And a limited yet significant arrest history.  
6 It's clear -- The doctor says it's clear that  
7 your aggressive behavior from the late '80s and  
8 early '90s is now changing for the better. As a  
9 result your violence potential compared to other  
10 inmates with whom you reside is considered to be  
11 below average. You have no assaultive history  
12 while you have been incarcerated. The doctor  
13 says it is somewhat difficult to predict the  
14 probability of aggressive behavior in the  
15 community. As people mature and change,  
16 behavior they have once found acceptable becomes  
17 unacceptable. What can be said is that compared  
18 to the average parolee in the community you are  
19 much less likely to be violent while on parole  
20 due in part to your age, greater maturity and  
21 your substance-free thinking or intellect. You  
22 appear to have no more violence potential than  
23 the average male in the general population of a  
24 similar age. And I believe you're 52 now?

25           **INMATE STRONG:** Yes ma'am, I am 52.

26           **DEPUTY COMMISSIONER MOORE:** Okay. There  
27 are no current factors which would predict an

1 increase in violence potential in the community.  
2 Substance abuse would clearly increase that  
3 potential. But it does not appear that  
4 substance abuse is currently a problem nor is it  
5 anticipated that it will be an issue for him  
6 when he is placed on parole. The comment about  
7 your numerous self-help, no current  
8 recommendation for additional self-help programs  
9 from the doctor, and that you appear to have  
10 reached your maximum benefit while incarcerated  
11 from self-help. What are your plans regarding  
12 NA upon your release?

13 **INMATE STRONG:** Well there's numerous NA  
14 programs in Fresno. My mother is going to make  
15 sure that I get in one. That's our discussions  
16 when she comes up to visit me. My mother visits  
17 me regularly. And she wants me to get into it.

18 **DEPUTY COMMISSIONER MOORE:** How often do  
19 you think you're going to have to go to  
20 meetings?

21 **INMATE STRONG:** Well, I'm going to try to  
22 make them as often as possible.

23 **DEPUTY COMMISSIONER MOORE:** Well how many  
24 do you think you need a week?

25 **INMATE STRONG:** I would say I'm going to  
26 try to at least make a average of at least four  
27 a week, you know.



1           **DEPUTY COMMISSIONER MOORE:** What else are  
2 you going to do when you start going to  
3 meetings? Do you need to get a sponsor?

4           **INMATE STRONG:** My sister-in-law has been  
5 my, she's going to be my sponsor.

6           **DEPUTY COMMISSIONER MOORE:** And I'm going  
7 to recommend to you that that not occur. You  
8 need a man to be your sponsor. Not a family  
9 member and not a woman.

10          **INMATE STRONG:** Okay.

11          **DEPUTY COMMISSIONER MOORE:** You have a  
12 lot of footwork to do on the 12 steps of  
13 Narcotics Anonymous, a lot. It needs to be with  
14 a man who has been clean and sober and is doing  
15 the deal.

16          **INMATE STRONG:** Okay, I acknowledge that.

17          **DEPUTY COMMISSIONER MOORE:** So I want to  
18 give you a little redirection on that.

19          **INMATE STRONG:** Okay.

20          **DEPUTY COMMISSIONER MOORE:** Get into  
21 service as soon as you can. Do you know what  
22 that means when I say, get into service in NA?

23          **INMATE STRONG:** No I don't.

24          **DEPUTY COMMISSIONER MOORE:** You start  
25 cleaning coffee cups, you clean up the ashtrays,  
26 you set up the chairs. You find a position  
27 where you're the greeter at the meeting and you

1 welcome the people.

2 **INMATE STRONG:** Oh, once on the streets.

3 Yeah, okay, I understand you now.

4 **DEPUTY COMMISSIONER MOORE:** On the  
5 streets.

6 **INMATE STRONG:** Yeah, okay. I do that  
7 here.

8 **DEPUTY COMMISSIONER MOORE:** Get into  
9 service on the outside.

10 **INMATE STRONG:** Okay.

11 **DEPUTY COMMISSIONER MOORE:** Is there  
12 anything else that you'd like to add at this  
13 time regarding post-conviction factors?

14 **INMATE STRONG:** That's it ma'am.

15 **DEPUTY COMMISSIONER MOORE:** Okay.  
16 Commissioner, thank you, I have completed my  
17 presentation.

18 **PRESIDING COMMISSIONER INGLEE:** Okay.  
19 All right, I have no questions. Do you have any  
20 questions, counselor?

21 **ATTORNEY LEWIS:** No I do not.

22 **PRESIDING COMMISSIONER INGLEE:** All  
23 right, would you go to the summary, please.

24 **DEPUTY COMMISSIONER MOORE:** You are going  
25 to be interrupted in the middle of it just to  
26 let you know.

27 **ATTORNEY LEWIS:** Will I?

1           **DEPUTY COMMISSIONER MOORE:** Yeah, I'm  
2 going to --

3           **PRESIDING COMMISSIONER INGLEE:** You want  
4 to take it, just go ahead and change those out?

5           **DEPUTY COMMISSIONER MOORE:** Well I  
6 haven't gotten the tapes unwrapped yet so you  
7 may want to begin, sir.

8           **ATTORNEY LEWIS:** Mr. Strong should be  
9 found suitable for parole. The following  
10 supports Mr. Strong in his contention that he  
11 has earned a second chance by being suitable for  
12 parole. He has definitely taken responsibility  
13 for the life crime. He has admitted guilt to  
14 the Board here today and at other times. He  
15 admitted guilt to the psychological evaluators,  
16 to a host of people. And also he pled guilty to  
17 the crime as well. Mr. Strong has a stable  
18 upbringing and he has experienced reasonable,  
19 stable relationships with others. Mr. Strong  
20 has been commended with excellent and/or above  
21 average work reports while incarcerated and he  
22 has also worked well with others, his  
23 supervisors and peers, and he has a great  
24 attitude. Mr. Strong has expressed remorse for  
25 his crime, with not only psychiatric evaluators  
26 but here today, and he is truly sorry. More  
27 importantly, however, Mr. Strong has

1 demonstrated his remorse by programming. By  
2 attending NA regularly, by going through  
3 vocational training, by going through the IMPACT  
4 program, anger management and a host of other  
5 self-help programs. Mr. Strong has committed --  
6 Mr. Strong committed his crime as a result of  
7 significant stress in his life due to drug  
8 addiction, cocaine, and the fact that Mr. Jones  
9 struck him. Causing him to be enraged, which  
10 caused the fight that ensued where his wife got  
11 in the middle of that and was summarily struck  
12 by the knife and killed.

13 **DEPUTY COMMISSIONER MOORE:** And that's a  
14 good pause point right there.

15 (Tape One was changed to Tape Two.)

16 **DEPUTY COMMISSIONER MOORE:** We're back on  
17 the record on tape two, it's 6:21.

18 **ATTORNEY LEWIS:** Mr. Strong's education,  
19 although he doesn't have a degree in college he  
20 does have a high school diploma that was awarded  
21 to him in 1972. He can read and write and in  
22 fact he held a job with the SPCA of Fresno for  
23 several years, indicating that he can and has  
24 more of a grade point average than what the  
25 record shows. Mr. Strong lacks any significant  
26 history of violent crime as a juvenile, although  
27 he had some run-ins with the law with respect to

1 domestic violence with his wife. At the time of  
2 the crime Mr. Strong was 33 years old and he is  
3 now age 52. At age 52 the probability of  
4 recidivism is vastly reduced. And in fact, the  
5 circumstances surrounding the crime it seems to  
6 me is one that probably would never occur again,  
7 not in this gentleman's life, with respect to  
8 how it went down. Mr. Strong's parole plans are  
9 solid and feasible. He is now married,  
10 remarried. He has a residence that is assured  
11 with his mother, Dorothy Potts, which she has  
12 submitted support letters indicating so.  
13 Mr. Strong has a job offer as a stocker at the  
14 Cigarette Outlet in Fresno, which is owned and  
15 operated by his uncle, John Cummings. There are  
16 letters in the file that show that Mr. Cummings  
17 is willing to hire my client, although he didn't  
18 sign them and place the date or his address on  
19 the letter. Mr. Strong has marketable skills  
20 enabling him to readily find employment. It is  
21 believed that he could go back to the SPCA and  
22 get his job as an animal control officer. And  
23 he also certifications in furniture upholstery,  
24 which as mentioned earlier, he has excellent job  
25 reports. Mr. Strong's institutional activities  
26 indicate an enhanced ability to function with  
27 the law upon his release. Through his

1 incarceration he has only received two 115s, the  
2 last one of which was in 1993. Mr. Strong has  
3 engaged in numerous self-help groups, IMPACT,  
4 anger management. The IMPACT group was 13  
5 weeks, tobacco awareness and a few others. His  
6 assessment of dangerousness by Dr. Sexton as  
7 low. Dr. Sexton opined that my client would be  
8 less likely to be violent and he has maxed out  
9 on all programs the CDC has to offer. That was  
10 indicated on the last page of his report. In  
11 conclusion, Mr. Strong has a network of support  
12 which includes his mother, his family, his wife,  
13 and including the victim's mom. The family  
14 support will not be there forever because people  
15 do drift away. Parole is more likely to be  
16 successful if there is a family network  
17 available. Mr. Strong has a job offer. This  
18 will not always be available. Mr. Strong has  
19 parole plans that are feasible. And Mr. Strong  
20 has demonstrated that he can succeed without  
21 resorting to violence. The murder of his wife  
22 was not an intentional act, it was a  
23 circumstance that happened and it was an  
24 accident. We respectfully request that  
25 Mr. Strong be given an opportunity to reenter  
26 into society to be a viable member of society so  
27 that he can continue on in his life and to maybe

1 share some of his experiences and some of his,  
2 you know. With regards to youth out there maybe  
3 he can maybe show someone out there that it's  
4 not, violence is not the way and maybe he can  
5 change a few outlooks. Maybe he can save his  
6 son. Maybe he can help some people out there.  
7 We submit.

8 **PRESIDING COMMISSIONER INGLEE:** All  
9 right, thank you very much. Give me a second,  
10 give me a second. Mr. Strong, this is now your  
11 opportunity to tell us why you're suitable for  
12 parole.

13 **INMATE STRONG:** Okay. Before I say that  
14 I would like to go back to Deputy Commissioner  
15 Moore. That you never went back and talked  
16 about that domestic violence package that I had  
17 in my C File.

18 **DEPUTY COMMISSIONER MOORE:** You are  
19 correct. And I know where it is, I will now do  
20 that. The only document that I could find and  
21 review since the last hearing, and I'm just  
22 going to double-check, was the three hour video  
23 review that was offered. Carl Reddick  
24 (phonetic) was the video instructor. Do you  
25 recall that?

26 **INMATE STRONG:** Yes ma'am.

27 **DEPUTY COMMISSIONER MOORE:** And that was



1 on July of 2005 and Charlie Walker signed off on  
2 your chrono on that. And it was about anger  
3 management and what drives your emotions.  
4 That's what I was looking at when I spoke with  
5 you. The only other chronos that have been put  
6 in your file since the date of the last hearing  
7 is the tobacco awareness, your laudatory chronos  
8 for all of your attendance at NA. But there is  
9 no -- Treatment and Management of Hepatitis and  
10 the Katrina contribution. So there was no other  
11 -- What I was looking at was that anger  
12 management.

13 **INMATE STRONG:** What I was referring to,  
14 I gave my counselor, Counselor Nuñez, a package  
15 on domestic violence that I had received from  
16 the streets and he told me he was going to  
17 insert it into my file. It was at least three  
18 or four pages of --

19 **ATTORNEY LEWIS:** (Inaudible).

20 **INMATE STRONG:** Yes.

21 **DEPUTY COMMISSIONER MOORE:** Okay, let me  
22 just double-check one more thing.

23 **INMATE STRONG:** And plus I had something  
24 from -- Right there, yes.

25 **DEPUTY COMMISSIONER MOORE:** Okay. This  
26 is, it's in the miscellaneous section of the C  
27 File. And it appears to be a handout, a

1 booklet. A domestic violence booklet from  
2 Oakland County. Did you get to review this or  
3 was it given directly?

4 **INMATE STRONG:** I got a chance to review  
5 it but I wanted him to insert it in my file and  
6 return it to me before I came to the Board. But  
7 somehow they changed counselors and he never --  
8 I put a request in to get it back but I never  
9 did.

10 **DEPUTY COMMISSIONER MOORE:** You want to  
11 get a copy of this. There are referrals in here  
12 for resources both nationally and statewide. A  
13 number of factors regarding the cycle of  
14 violence and how domestic violence in  
15 relationships occurs, not only with spouses and  
16 girlfriends but family members. And there's  
17 also from the Emergency College of -- American  
18 College of Emergency Physicians a multiple page  
19 document, four pages regarding how to observe  
20 and identify domestic violence. And also from  
21 the USDA Safety, Health and Employee Welfare  
22 Division, a domestic violence awareness handbook  
23 that appears to be in excess of ten pages. And  
24 the web site that you referred to is from the  
25 Mayo Clinic-dot-com that you asked a friend to  
26 access for you. And again, talks about  
27 recognition, having a safety plan for the

1 victims, knowing the signs and how in a  
2 relationship domestic violence is about power  
3 and control. And also gives a number of  
4 resources. Thank you for pursuing that with me.  
5 It's in your best interest that I did put that  
6 on the record. And if you could please try and  
7 get a copy of this back to you through your  
8 counselor.

9 **INMATE STRONG:** I will do that, thank  
10 you.

11 **DEPUTY COMMISSIONER MOORE:** Thank you.

12 **INMATE STRONG:** You're welcome.

13 **PRESIDING COMMISSIONER INGLEE:** Tell us  
14 why you are suitable for parole.

15 **INMATE STRONG:** Well, the reason I feel  
16 I'm suitable for parole is first of all I  
17 changed my way of thinking. Meaning by that, I  
18 know what, I know what got me here. I used to  
19 think it was drugs but it was something deeper  
20 than drugs. I had to look at myself and what  
21 really got me to thinking that I was up so high  
22 in life that I can use drugs and control drugs.  
23 Then I said well, maybe it's something else. I  
24 had lost respect for myself. I just had lost  
25 respect, you know. When a person use drugs they  
26 trying to escape something. And to me it was I  
27 thought I had it all so why not do drugs. I

1 know I hurt a lot of peoples. I know I hurt  
2 Diana my wife's family, my family and friends,  
3 my son, you know. I hurt a lot of peoples I  
4 don't even know about. And the only way I could  
5 change that was to change myself and know that  
6 if I use drugs any more in my life I'm subject  
7 to go back to where I was and I don't want to go  
8 back there no more. And I think I try to work  
9 these programs that the Department of  
10 Corrections offered me, to take advantage of  
11 them. At first I wasn't willing to take  
12 advantage of them, that's why I started taking  
13 advantage of them in '96. I was still going  
14 through head-trips. But once I realized that I  
15 put myself here and I could help myself if I  
16 would just follow the rules that the Department  
17 of Corrections had laid out for me. And that's  
18 when I started feeling good about myself and  
19 knowing that if I do this it's a chance that I  
20 would be returned back to society. I have  
21 grandchildren. I have peoples that I want to be  
22 with. I can apologize to everybody but the  
23 person that I really want to apologize to I can  
24 never apologize to. The only thing I can do is  
25 try to be a better person when I get out and  
26 hopefully let something come out of that. Other  
27 than that that's about it.

1           **PRESIDING COMMISSIONER INGLEE:**   Okay,  
2   very good.   We will now go into recess for  
3   deliberation.   The time is now 6:33.

4                   **R E C E S S**

5                   --oOo--

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1 CALIFORNIA BOARD OF PAROLE HEARINGS

2 D E C I S I O N

3 DEPUTY COMMISSIONER MOORE: Back on the  
4 record, it's 7:30.

5 PRESIDING COMMISSIONER INGLEE: All  
6 parties that were here before have since  
7 returned. This is in the matter of Sylvester  
8 Strong, S-T-R-O-N-G, CDC number D-99287.  
9 Mr. Strong, the panel reviewed all information  
10 received from the public and relied on the  
11 following circumstances in concluding that the  
12 prisoner is suitable for parole.

13 INMATE STRONG: Thank you.

14 PRESIDING COMMISSIONER INGLEE: And would  
15 not pose an unreasonable risk of danger to  
16 society or a threat to public safety if released  
17 from prison. First off the prisoner has no  
18 juvenile record of assaulting others. Until his  
19 instant offense the inmate had a stable social  
20 history as exhibited by reasonable, stable  
21 relationships with others. While in prison he  
22 has enhanced his ability to function within the  
23 law upon release through participation in the  
24 following areas of educational programs, self-  
25 help, vocational programs and institutional job  
26 assignments. I will ask the Deputy Commissioner

1 if she would detail each one of these four  
2 areas.

3           **DEPUTY COMMISSIONER MOORE:** Thank you.  
4 Mr. Strong, in reviewing your C File and  
5 discussing with you today the following is what  
6 I have determined to be present and proven  
7 within the file. In regards to educational  
8 programs you came into prison with a high school  
9 diploma. You have not sought further  
10 educational programs, per se, at an academic  
11 level. What you have sought is self-help. And  
12 it's evident in the past ten years that you have  
13 been very active in your programming.  
14 Specifically you have received and taken part in  
15 and enrolled in programs regarding parenting,  
16 anger management, employability. Since 1996  
17 there are consistent chronos for attendance in  
18 12 step programs, whether they are AA, NA or a  
19 generic 12 step recovery program, specifically  
20 at this facility, at this institution after you  
21 arrived here. There were a few before but  
22 predominately here at CTF Soledad. You have  
23 been involved in several employability programs.  
24 You also participated in the IMPACT program in  
25 2002, a 13 week program. That as you testified  
26 to earlier and this is evidenced in the C File,  
27 **SYLVESTER STRONG D-99287 DECISION PAGE 2 05/31/06**



1 talk about the impact on victims as you were  
2 seeking more information about domestic  
3 violence. Because of a lack of domestic  
4 violence programming here at CTF you did go  
5 further than other inmates in that you sought  
6 outside information regarding domestic violence  
7 awareness. How to deal with it. Alternative  
8 behaviors by seeking out information from  
9 Oakland County with the domestic violence  
10 handbook and other documents that you asked  
11 friends on the outside to provide to you and are  
12 found in the C File. You have also participated  
13 in community reentry programs on multiple  
14 occasions. As recent as 2006 but also prior to  
15 that in your work towards becoming suitable  
16 towards parole. You have been active throughout  
17 the past ten years, becoming very aware of the  
18 programming needs that you have needed to become  
19 suitable. The next area is that of vocational  
20 programs. You have worked in the PIA upholstery  
21 shop since June of 2001, receiving above average  
22 to exceptional work reviews. Your most recent  
23 one, as I indicated, was in February of '06 by  
24 supervisor Arroyo, A-R-R-O-Y-O, in which you  
25 were found to be an exceptional employee. You  
26 have also received laudatory chronos from Arroyo

1 in '02 about your work. You have received a  
2 number of other laudatory chronos regarding your  
3 contributions financial to the Katrina hurricane  
4 victims. And also on two occasions in 2000 and  
5 2001 in which another inmate, either in your  
6 cell or on your tier, was in a medical emergency  
7 and you took it upon yourself to notify staff of  
8 a man down and a need for medical attention. In  
9 one instance a cellmate, I believe, was  
10 transported for immediate care to the hospital  
11 for an appendix operation, appendectomy, and  
12 another you thought may have been having a  
13 stroke and received medical care. You have also  
14 participated in a parenting program. I don't  
15 know if I mentioned that earlier but I feel it's  
16 very important, considering what you've told us  
17 about your contact with your son up until the  
18 age of 11 and where he is now and understanding  
19 your impact. What you've done made what his  
20 reports look like when he talks about his  
21 childhood. Your vocational programs also  
22 indicate that you are trying to maintain your  
23 skills with upholstery by recently going through  
24 upholstery training seminars that were offered  
25 here at CTF. Prior to that you were involved in  
26 the masonry section. I think it was at another  
27 **SYLVESTER STRONG D-99287 DECISION PAGE 4 05/31/06**

1 institution, at Pleasant Valley.

2 **INMATE STRONG:** Yes ma'am, it was  
3 Pleasant Valley.

4 **DEPUTY COMMISSIONER MOORE:** And you  
5 completed five of the eight units towards  
6 completion. And due to transfer that was why  
7 you were unable to complete it. Your reports  
8 while there were, asking good questions, always  
9 wanting to do more, seeking more information.  
10 And the teacher and supervisor in that area  
11 thought that you could make that a marketable  
12 skill for yourself and you had indicated an  
13 intention as such. We've talked about  
14 vocational programs, institutional job  
15 assignments. You have always -- Not always. I  
16 want to note a change, '93 to '95 was a  
17 transitional time for you in prison. You were  
18 receiving some negative reports of attitude  
19 towards supervisors and staff in your work as a  
20 sewing machine operator, I believe at one time.  
21 And in '93 -- Just as we go to '95 and you  
22 started attending 12 step program and you  
23 started to actively programming all of those  
24 ratings changed. They became average to above  
25 average. You started participating rather than  
26 being a victim is the observation that I made.

1 Prior to that change you were a sewing machine  
2 operator and receiving average and some fours  
3 and fives on occasion. Doing the job and  
4 showing up. Things changed in '95 and '96 in  
5 your institutional job assignments, your  
6 attitude and your work productivity. You became  
7 a good employee. And those would be the areas  
8 that I have been able to review and take from  
9 your program, from your C File regarding your  
10 programming.

11 **PRESIDING COMMISSIONER INGLEE:** Until  
12 your domestic problems with your deceased wife  
13 began in 1987 you did not have any history of  
14 violent crime. Because of maturation, growth,  
15 greater understanding and advancing age this has  
16 all gone to reduce your probability of  
17 recidivism in the future. You have excellent  
18 parole plans, which include a family job offer  
19 and family support in general. This also  
20 includes living with your mother once paroled.  
21 You have maintained close family ties while in  
22 prison through both letters and visits and other  
23 forms of communication such as telephone. You  
24 have maintained positive institutional behavior  
25 which indicates a significant improvement in  
26 self-control, with your last 115 being received  
27 **SYLVESTER STRONG D-99287 DECISION PAGE 6 05/31/06**

1 in 1993. You have shown sincere signs of  
2 remorse. You have indicated that you understand  
3 the nature and magnitude of the offense that you  
4 committed. You have accepted full  
5 responsibility for your criminal behavior. And  
6 you have expressed a desire to change towards  
7 good citizenship through both your discussion  
8 today and also how you have demonstrated this  
9 work through your self-help programming over the  
10 last 10 to 15 years. Now I want to talk about  
11 your base term of confinement. The base offense  
12 of which the prisoner was convicted, what you  
13 were convicted for, is murder second degree,  
14 which is Penal Code 187. This offense occurred  
15 on 12/10/1987. The term is derived from the  
16 matrix located in CCR Title 15 at 2402(c)  
17 second-degree murder, offense committed on or  
18 after 11/8/1978. In this regard the panel finds  
19 that category C-III is appropriate in that C  
20 indicates that the death of the victim resulted  
21 from sincere, excuse me, severe trauma inflicted  
22 with deadly intensity. In regard to III.  
23 Excuse me, I believe I said C-III and I meant  
24 C-II so that will have to be a correction. This  
25 is C-II. C being correct, that being severe  
26 trauma. II, is actually prior relationship. In  
27 **SYLVESTER STRONG D-99287 DECISION PAGE 7 05/31/06**

1 that you had a strong prior relationship with  
2 the deceased and you were involved in a personal  
3 relationship with the prisoner (sic). In this  
4 case a family member or your former wife.

5 **DEPUTY COMMISSIONER MOORE:** And if I may,  
6 Commissioner. You said 2402 rather than 3.

7 **PRESIDING COMMISSIONER INGLEE:** We should  
8 put it on, why don't you put it on --

9 (Off the record.)

10 **DEPUTY COMMISSIONER MOORE:** We're back on  
11 the record.

12 **PRESIDING COMMISSIONER INGLEE:** It has  
13 been brought to my attention that I may have  
14 made a couple of errors in what I had been  
15 previously discussing in regard to the base term  
16 of confinement and I basically want to go back  
17 through that again to be sure that we have  
18 stated it correctly. The base life offense of  
19 which the prisoner has been convicted is murder,  
20 second degree. That is Penal Code 187. The  
21 offense occurred on 12/10 of 1987. The term is  
22 derived from the matrix located at CCR Title 15  
23 at, this is where the correction will be made,  
24 2403(c), second-degree murder, offense committed  
25 on or after 11/8/1978. The panel finds that  
26 category C-II is appropriate in that C-III,

1 excuse me, C is that the death resulted from  
2 severe trauma inflicted with deadly intensity.  
3 The inmate was acquainted with the victim and  
4 that qualifies under prior relationship in that  
5 the victim was involved in a personal  
6 relationship with the prisoner. In this case,  
7 his former wife. Which contributed to the  
8 motivation for the act resulting in death. The  
9 panel assessed 228 months for the base offense  
10 and notes that this is the middle term in the  
11 matrix. In this regard C-II. The panel also  
12 found that the prisoner personally used a deadly  
13 weapon, in this case a knife, in the commission  
14 of the crime under Penal Code Section 12022(b)  
15 and accordingly assessed the following one-half  
16 of 12 months, which is 6 months. The total term  
17 is calculated at 228 months for the base term, 6  
18 months for the weapon, for the total term of 234  
19 months. The time credit from 11/2/1988 to  
20 5/31/2006 is 68 months for a total period of  
21 confinement being at 166 months. Special  
22 conditions of parole. The following special  
23 conditions of parole are hereby imposed. You  
24 will not use alcoholic beverages. You will  
25 submit to alcohol testing whenever required.  
26 You will submit to anti-narcotic testing



1 whenever required. You will submit to THC  
2 testing, this is for marijuana, whenever  
3 required. You will participate in a substance  
4 abuse program such as AA or NA as directed by  
5 your parole officer. You will attend parole  
6 outpatient clinics as directed by your parole  
7 officer. You will have no contact with the  
8 victim's family without the parole officer's  
9 approval.

10 (Off the record.)

11 **DEPUTY COMMISSIONER MOORE:** We are back  
12 on the record at 12 until 8.

13 **PRESIDING COMMISSIONER INGLEE:**  
14 Mr. Strong, this is your first step. You know  
15 that this still has to be approved. You're  
16 reviewed by and eventually approved by the  
17 Governor. Let me suggest to you, you can handle  
18 this the way you like. But my limited  
19 background in this area has taught me over time  
20 to warn prisoners about going off and becoming  
21 too vocal about the fact that they just got a  
22 parole. I have heard, I can't tell you that I  
23 actually experienced it or known somebody  
24 specifically but I have heard that at times  
25 sometimes prisoners who don't possibly will not  
26 have a friend who might do something to

1 aggravate them and possibly cause them to be in  
2 some type of altercation. I would just avoid  
3 this. This is a personal observation and not an  
4 order, okay.

5 **INMATE STRONG:** Yes sir.

6 **PRESIDING COMMISSIONER INGLEE:** Again,  
7 lots of luck. You deserve, you deserve the  
8 opportunity for parole and we certainly hope  
9 that you get it.

10 **INMATE STRONG:** Okay. I'd like to thank  
11 both the panel members.

12 **DEPUTY COMMISSIONER MOORE:** May I offer  
13 some comments, Commissioner?

14 **PRESIDING COMMISSIONER INGLEE:**

15 Certainly, (inaudible).

16 **DEPUTY COMMISSIONER MOORE:** Mr. Strong.

17 **INMATE STRONG:** Yes ma'am.

18 **DEPUTY COMMISSIONER MOORE:** The process  
19 of review is still in existence, as Commissioner  
20 Inglee has said. This isn't a done deal. Be  
21 patient. You have to go to work tomorrow don't  
22 you?

23 **INMATE STRONG:** Yes ma'am.

24 **DEPUTY COMMISSIONER MOORE:** And you have  
25 a lot to do. And any type of occurrence of a  
26 115 or a 128 between now and when that date

1 comes could affect all of this completely and  
2 totally. I want to talk to you about NA. The  
3 first place you go if released is where?

4 **INMATE STRONG:** To NA.

5 **DEPUTY COMMISSIONER MOORE:** Now that was  
6 a trick question. The first place you go is  
7 your parole.

8 **INMATE STRONG:** Oh, yeah, yeah.

9 **DEPUTY COMMISSIONER MOORE:** You report to  
10 parole.

11 **INMATE STRONG:** Yeah, yeah.

12 **DEPUTY COMMISSIONER MOORE:** The second  
13 place you're probably going to go is see your  
14 mom.

15 **INMATE STRONG:** Yes.

16 **DEPUTY COMMISSIONER MOORE:** The third  
17 place you're going to go is to an NA meeting.

18 **ATTORNEY LEWIS:** He's married.

19 **DEPUTY COMMISSIONER MOORE:** The third  
20 place he's going to go is to an NA meeting.  
21 Before he continues his relationship on the  
22 outside.

23 **INMATE STRONG:** I agree with you.

24 **DEPUTY COMMISSIONER MOORE:** Good answer.  
25 Within the first 10 to 14 days, in which you  
26 will probably have attended 10 to 14 NA

27 **SYLVESTER STRONG D-99287 DECISION PAGE 12 05/31/06**

111

1 meetings, you are to get a sponsor. Your parole  
2 agent will be all over you on that.

3 **INMATE STRONG:** Yes ma'am.

4 **DEPUTY COMMISSIONER MOORE:** It has to be  
5 a man who is working the steps, who is clean and  
6 sober, who has a job. You might want to look  
7 for one that's married. Because wives, spouses,  
8 family members can make you crazy when you're an  
9 addict. And you have to live life one day at a  
10 time with them. Find a man who has done that as  
11 you work the steps with that man. I wish you  
12 the best of luck. There's a lot of challenges  
13 in front of you. The world has changed somewhat  
14 since your incarceration. And I wish you good  
15 luck.

16 **INMATE STRONG:** Thank you very much.

17 **PRESIDING COMMISSIONER INGLEE:** We do  
18 have one more thing to do that I omitted. And  
19 that is in regard to the last psychological  
20 report and I want to make an update to that.  
21 The last psychological report was done by S.  
22 Sexton, Ph.D. That date is 10/11/2004. In this  
23 regard Dr. Sexton states that inmate Strong's  
24 diagnosis has changed somewhat from previous  
25 reports. Although it was reported that the  
26 inmate engaged in adult antisocial behavior

1 there is no indication of that at this time.  
2 For that reason this diagnosis has been removed.  
3 In the past the inmate has been given a  
4 diagnosis of cocaine abuse in institutional  
5 remission. Unfortunately most institutions have  
6 drugs readily available for inmates who wish to  
7 abuse them. It is clear that this inmate has  
8 chosen not to abuse cocaine. Not because he  
9 does not have the availability but he no longer  
10 wishes to abuse it. This is also true of  
11 cannabis abuse. As a result both of these  
12 diagnoses will be dropped. In the assessment of  
13 dangerousness, all the above factors have been  
14 taken into account. It is significant that the  
15 inmate is currently 50 years of age and has  
16 remained CDC 115-free for approximately 11  
17 years. This combined with the nearly 35 self-  
18 help programs that he has attended while  
19 incarcerated and his limited yet significant  
20 arrest history it is clear that the inmate's  
21 aggressive behavior is changing for the better.  
22 As a result, when the inmate's violence  
23 potential is compared to those of inmates with  
24 whom he resides it is considered to be below  
25 average. Inmate Strong has no assaultive  
26 history with the Department of Corrections. It  
27 **SYLVESTER STRONG D-99287 DECISION PAGE 14 05/31/06**

1 is somewhat difficult to predict the probability  
2 of aggressive behavior in the community. As  
3 people mature and change, behavior that they  
4 once found acceptable becomes unacceptable.  
5 What can be said is that as compared to the  
6 average parolee in the community this inmate is  
7 much less likely to be violent while on parole,  
8 due in part to his age, greater maturity and  
9 substance-free intellect. He appears to have no  
10 more violence potential than the average male in  
11 the general population of equal age. There are  
12 no current precursors that would predict an  
13 increase in violence potential in the community.  
14 Substance abuse would clearly indicate that  
15 potential but it does not appear that substance  
16 abuse is currently a problem with this inmate.  
17 Nor is it anticipated that it will be an issue  
18 for him when he is placed on parole. As inmate  
19 Strong has participated in numerous self-help  
20 programs no current recommendation can be given  
21 in this area. He has participated in most other  
22 programs available in the CDC and he appears to  
23 have reached maximum benefit. If given the  
24 opportunity to parole his prognosis is very  
25 good. Signed S. Sexton, Ph.D., consulting  
26 psychiatrist, Correctional Training Facility,  
27 **SYLVESTER STRONG D-99287 DECISION PAGE 15 05/31/06**

114

1 Soledad. Mr. Strong, good luck.

2 INMATE STRONG: Thank you sir.

3 PRESIDING COMMISSIONER INGLEE:

4 Certainly.

5 INMATE STRONG: Thank you, Ms. Moore.

6 DEPUTY COMMISSIONER MOORE: Good luck to  
7 you sir.

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23 PAROLE GRANTED

**PENDING REVIEW  
AND APPROVAL**

24 THIS DECISION WILL BE FINAL ON: \_\_\_\_\_

25 YOU WILL BE PROMPTLY NOTIFIED, IF PRIOR TO THAT  
26 DATE, THE DECISION IS MODIFIED.

27 SYLVESTER STRONG D-99287 DECISION PAGE 16 05/31/06



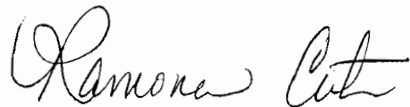
115

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I hereby certify that I am a disinterested party in the above-mentioned matter and have no interest in the outcome of the hearing.

Dated June 8, 2006, at Sacramento County, California.

  
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